

By Mr. FLETCHER: Resolutions of the faculty of the University of Minnesota, favoring the passage of House bill No. 11350, to establish the national standardizing bureau—to the Committee on Coinage, Weights, and Measures.

Also, petition of leather manufacturing companies of Minneapolis, Minn., urging the repeal of the tax on hides—to the Committee on Ways and Means.

By Mr. GRAHAM: Resolutions of the Home Missionary Society, of Pittsburg and Allegheny districts, Pennsylvania, in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, resolution of the National Good Roads Convention, Chicago, Ill., in relation to road improvement—to the Committee on Agriculture.

Also, petition of the Fidelity Mutual Life Insurance Company, of Philadelphia, Pa., in relation to the construction of a breakwater at Galveston, Tex.—to the Committee on Rivers and Harbors.

Also, petition of Anna Forbes Goodyear, of Boston, Mass., in favor of House bill No. 11819, to provide homes and employment for the homeless poor and make them self-sustaining home owners—to the Committee on the Public Lands.

Also, petition adopted at a meeting in the Central Presbyterian Church, also, petition of 50 citizens of Allegheny, Pa., urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. GREENE of Massachusetts: Petition of vessel owners and others interested in navigation of Onset Bay, Massachusetts, for survey of said harbor—to the Committee on Rivers and Harbors.

Also, petition of Boston Superintendents' Association, urging the passage of the post-office reclassification bill—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the New England Paint and Oil Club and Boston branch of the National League of Commission Merchants, favoring the repeal of stamp tax on checks, drafts, etc.—to the Committee on Ways and Means.

Also, resolutions of the County Street Auxiliary of Board of Home Missions, New Bedford, Mass., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, resolutions of the Massachusetts Board of Trade, favoring Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of New England railway postal clerks, favoring the bill for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. GRIFFITH: Petition of Woman's Missionary Society of the Presbyterian Church of Pleasant, Ind., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petitions of Richard Nash and 90 others, Wallace Jackson and 92 others, all citizens of Bethlehem, Ind., in opposition to any measure prohibiting steam vessels from using gasoline—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Brown County, Ind., to accompany House bill granting a pension to Johnson Gilbert—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Petition of citizens of Adams County, Iowa, against the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. HITT: Petition of citizens of Freeport, Ill., and resolutions of the Christian churches and citizens of Orangeville, Ill., for the exclusion of intoxicants from all countries inhabited by native races—to the Committee on Foreign Affairs.

By Mr. HOFFECKER: Papers to accompany House bill relating to the claim of Joseph V. Hoffecker—to the Committee on Invalid Pensions.

By Mr. HOWELL: Petitions of life-saving crews of Long Branch and Squan Beach, New Jersey, favoring bill to promote efficiency of Life-Saving Service—to the Committee on the Merchant Marine and Fisheries.

By Mr. LONG: Resolutions of Women's Societies on Home and Foreign Missions of the Presbyterian Synod of Kansas, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. MANN: Papers to accompany House bill No. 11082 granting an increase of pension to James Bintliff—to the Committee on Invalid Pensions.

By Mr. MERCER: Petition of F. P. Kirkendall & Co., and other leather dealers of Omaha, Nebr., favoring the reduction of the war-revenue tax—to the Committee on Ways and Means.

Also, letter of A. H. Rawlitzer, of Omaha, Nebr., favoring legislation in regard to irrigation—to the Committee on Irrigation of Arid Lands.

Also, resolution of the T Square Club, of Philadelphia, Pa., in relation to proposed changes in the White House—to the Committee on Public Buildings and Grounds.

Also, resolutions of the Brotherhood of Boiler Makers and Iron

Shipbuilders of Omaha, Nebr., favoring the passage of the ship subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. MIERS of Indiana: Paper to accompany House bill No. 11754 granting an increase of pension to Hiram Lawson—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Resolutions of Convention of Fruit Growers of California, in relation to the tariff on citrus fruits—to the Committee on Ways and Means.

By Mr. PEARRE: Petition of James F. Barnsley, of Baltimore, Md., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. RIXEY: Paper to accompany House bill for the relief of Christian Nisewaner—to the Committee on War Claims.

Also, papers to accompany House bill for the relief of the Presbyterian Church of Marshall, Fauquier County, Va.—to the Committee on War Claims.

Also, papers to accompany House bill for the relief of Lamb Creek Protestant Episcopal Church, King George County, Va.—to the Committee on War Claims.

Also, papers to accompany letter of inquiry of R. P. Barry, of Warrenton, Va.—to the Committee on the Post-Office and Post-Roads.

By Mr. SHATTUC: Petitions of the Wefugo Company and commissioner of waterworks, Cincinnati, Ohio, for the defeat of a bill granting an extension of patent to I. S. Hyatt—to the Committee on Patents.

Also, petition of the Cincinnati Museum Association for the repeal of section of the inheritance law relating to museums—to the Committee on Ways and Means.

Also, petition of George V. Morris and others, of Cincinnati, Ohio, in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

Also, papers to accompany House bill No. 12720 for the relief of James Mantack—to the Committee on Invalid Pensions.

By Mr. STARK: Papers to accompany House bill granting an increase of pension to George Shepherd—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: Papers to accompany House bill for the relief of Gilbert J. Webb—to the Committee on Invalid Pensions.

By Mr. THOMAS of Iowa: Papers to accompany House bill No. 13057, for the relief of Ferdinand Hansen—to the Committee on Military Affairs.

SENATE.

FRIDAY, January 4, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

DONELSON CAFFERY, a Senator from the State of Louisiana, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

REPORT OF INTERSTATE COMMERCE COMMISSION.

The PRESIDENT pro tempore laid before the Senate the Fourteenth Annual Report of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. HAWLEY. The National Academy of Sciences requests me to present to the Presiding Officer of the Senate the annual report of the operations of the National Academy for the year 1900. No action need be taken upon it. The statute provides for the printing of the report.

The PRESIDENT pro tempore. The report will be received, and, under the law, printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a concurrent resolution requesting the President of the United States to return to the House the bill (H. R. 2955) providing for the resurvey of township numbered 8, of range numbered 30 west of the sixth principal meridian, in Frontier County, State of Nebraska, in order to correct an error whereby the bill has been enrolled as an act of the first instead of the second session of the Fifty-sixth Congress; in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented a petition of the board of directors of the Locktown Dairymen's Association, of New Jersey, praying for the enactment of the so-called Grout bill, to regulate the

manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry druggists of Vineland, N. J., praying for the repeal of the revenue tax on proprietary medicines, cosmetics, etc.; which was referred to the Committee on Finance.

He also presented sundry petitions of citizens of Plainfield, Den- nisville, South Orange, and Jamesburg, all in the State of New Jersey, praying for the adoption of an amendment to the Constitu- tion to prohibit polygamy; which were referred to the Commit- tee on the Judiciary.

He also presented a petition of sundry citizens of East Millstone, N. J., praying for the enactment of legislation to prohibit the transmission by mail or telegraph of devices used in gambling, racing, etc.; which was referred to the Committee on the Judi- ciary.

He also presented a petition of sundry citizens of East Millstone, N. J., praying for the enactment of legislation regulating divorce laws in the District of Columbia and the Territories; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of East Millstone, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Philippines; which was referred to the Committee on the Philippines.

He also presented a petition of sundry citizens of East Millstone, N. J., praying for the enactment of legislation to give to the capi- tal of the United States protection against Sunday traffic, etc.; which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of sundry citizens of Atlantic High- lands, N. J., and a petition of sundry citizens of East Millstone, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

He also presented the petitions of Asher Wardell, keeper, and 10 other members of the life-saving crew of Long Branch; of Robert F. Longstreet, keeper, and 14 other members of the life- saving crew of Squaw Beach; of Francis Hoffman, keeper, and 7 other members of the life-saving crew of Turtle Gut; of John M. Corson, keeper, and 7 other members of the life-saving crew of Ocean City; of William E. Rogers, keeper, and 8 other members of the life-saving crew of Toms River; of R. S. Godfrey, keeper, and 7 other members of the life-saving crew of Corsons Inlet; of Isaac W. Truex, keeper, and 7 other members of the life-saving crew of Ship Bottom; of A. K. Herbert, keeper, and 7 other mem- bers of the life-saving crew of Mantoloking, and of Harry L. Smith, keeper, and 12 other members of the life-saving crew of Thousand Inlet, all in the State of New Jersey, praying for the enactment of legislation to promote the efficiency of the life-saving service and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

Mr. PLATT of New York presented a petition of the New York Academy of Medicine, of New York City, praying that an appro- priation be made providing additional shelving for the library in the Surgeon-General's Office in the city of Washington; which was referred to the Committee on Military Affairs.

He also presented a petition of the keeper and members of the crew of the life-saving station of Amagansett, N. Y., praying for the enactment of legislation to promote the efficiency of the life- saving service and encourage the saving of life from shipwreck; which was referred to the Committee on Commerce.

He also presented a petition of the Clearing House Association, of Youngstown, Ohio, praying for the repeal of the revenue tax upon the capital of banks; which was referred to the Committee on Finance.

He also presented a petition of the Society of Friends, of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Philippines; which was referred to the Committee on the Philippines.

He also presented petitions of C. A. Stupplebeen, of Glens Falls; of Thomas Smith and sundry other citizens of Jamestown; of the congregation of the Methodist Episcopal Church of Eden Center, and of sundry Methodist Episcopal ministers of Roches- ter, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which were referred to the Committee on Foreign Relations.

He also presented petitions of Great South Bay Oystermen's Union, No. 8201, of Sayville, Long Island; of the Central Federa- tion of Labor, of Troy; of the International Ladies' Garment Workers' Union, of New York City; of the Coal Handlers' Union, of Utica; of Laundry Drivers' Union, No. 7201, of Buffalo; of the Central Labor Council, of Jamestown; of the Schenectady Label League, of Schenectady, and of the United Trades and Labor Council of Buffalo, all in the State of New York, praying for the enactment of legislation to regulate the hours of daily work of laborers and mechanics; which were referred to the Committee on Education and Labor.

He also presented sundry petitions of citizens of New York and a petition of the Chemung Valley Tobacco Growers' Association, of Addison, N. Y., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented the petitions of Howard R. Ware and sundry other citizens of New Rochelle, Charles Griffen and sundry other citizens of Mamaroneck, C. W. Dunn and sundry other citizens of New York, James Ham and sundry other citizens of Brooklyn, Lewis S. Cost and sundry other citizens of Harrisville, Rev. C. Ed- ward Fay and sundry other citizens of Binghamton, L. D. Mason and sundry other citizens of Brooklyn, the Woman's Christian Temperance Union of Dunkirk, George Schroeier and sundry other citizens of Brooklyn, R. S. Sherman and sundry other citi- zens of South Glens Falls, W. E. Hintz and sundry other citizens of Brooklyn, the Woman's Christian Temperance Union of Oneida, the First Methodist Episcopal Church of Oneida, A. E. Hornberg and sundry other citizens of Brooklyn, E. S. Benedict and sundry other citizens of New York City, W. W. Atterbury and sundry other citizens of New York City, J. H. Benedict and sundry other citizens of New York City, J. Belle D'Arville and sundry other citizens of Port Jefferson, H. E. Perrin and sundry other citizens of Brooklyn, and of Edward Poppke and sundry other citizens of Brooklyn, all in the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of Rev. J. E. Mallman, of Shelter Island; the Woman's Christian Temperance Union of Brooklyn; the Young People's Prohibition League of Saratoga Springs; the Woman's Christian Temperance Union of Hunt; Rev. C. G. Stevens, of Gainesville; C. P. Tiffany, of Candor; Charles S. Kemble, of Nyack; Edwin H. Hannel, of Buffalo; Daniel Mc- Dougall, of Pattersonville; F. W. Bradley, of Poughkeepsie; the Universalist Young People's Christian Union, of Syracuse; A. M. Fowler, of New York City; James Wilkinson, of New York City; E. K. Kane, of Kushequa; the Woman's Christian Temperance Union of Fleming; the Rochester Radiator Company; Francis B. Hall, of Plattsburg; the Methodist Episcopal Ministers' Associa- tion of Buffalo; the Woman's Christian Temperance Union of Jamestown; the General Assembly of the United Presbyterian Church of North America; the Woman's Christian Temperance Union of East Syracuse; Rev. G. A. Kratzer, of Middleport, and of the First Presbyterian Church of Poughkeepsie, all in the State of New York, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

Mr. LODGE. I present a petition of societies and individuals of 23 States and the District of Columbia and Hawaii, praying for the protection of native races in all parts of the world by laws and treaties against firearms, intoxicants, and opium. I also present a letter from ex-President Harrison on the same subject, which I ask may be printed as a document. I also present the petition of Gen. E. Whittlesey and Dr. Merrill E. Gates in aid of the same subject. I ask that the petitions be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the letter of ex-President Harrison be printed as a docu- ment, and that it be referred, with the accompanying petitions, to the Committee on Foreign Relations. Without objection, it will be so ordered.

Mr. PROCTOR presented a petition of Reed and Rattan Work- ers' Union No. 8693, American Federation of Labor, of Brattleboro, Vt., praying for the enactment of legislation to regulate the hours of daily work of laborers and mechanics; which was referred to the Committee on Education and Labor.

He also presented petitions of the congregations of the Metho- dist Church, of Klamath Falls, Oreg., the First Methodist Epis- copal, the Associate, and the First Baptist Churches, all of Re- vere; of the Woman's Christian Temperance Union of Spencer, and of the Woman's Christian Temperance Union of Bellingham, all in the State of Massachusetts, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

Mr. FAIRBANKS presented the memorial of J. R. Smyth and 67 other citizens of Jeffersonville, Ind., remonstrating against the enactment of legislation to prevent boats from carrying gasoline; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Wayne Shoe Company of Indiana, praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

Mr. CULBERSON presented a petition of sundry citizens of Albany, Tex., praying for the enactment of legislation to prohibit the sale of intoxicating liquors and opium in Africa, and also for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on Foreign Relations.

Mr. McLAURIN presented the petition of H. E. Eaddy and sundry other citizens of Williamsburg County, S. C., praying

that an appropriation be made to provide for the dredging and deepening of Lynchs River in that State; which was referred to the Committee on Commerce.

He also presented a petition of Local Union No. 8499, American Federation of Labor, of Charleston, S. C., praying for the enactment of legislation to regulate the hours of daily labor of workmen and mechanics; which was referred to the Committee on Education and Labor.

Mr. KENNEY presented a petition of sundry citizens of New-castle County, Del., praying for the enactment of the so-called Grout bill to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. KEAN presented petitions of the keepers and crews of the life-saving stations at Corsons Inlet, Ship Bottom, Ocean City, Squaw Beach, Tatteras, and Mantoloking, all in the State of New Jersey, praying for the enactment of legislation to promote the efficiency of the life-saving service and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Lamberton, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Paterson, Union, Rochelle, and of the Ladies' Aid Society of the Calvary Methodist Episcopal Church of East Orange, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. TILLMAN presented a petition of Local Union No. 8499, American Federation of Labor, of Charleston, S. C., praying for the enactment of legislation to regulate the hours of daily work of laborers and mechanics; which was referred to the Committee on Education and Labor.

Mr. GALLINGER. I have a letter from Elbert Wheeler, of Nashua, N. H., protesting against the passage of the bill (S. 5089) for the relief of the widow of Isaiah Smith Hyatt. The bill proposes to extend a patent by special act, and as I have on one or two occasions undertaken to accomplish that result for constituents of mine and have failed upon the ground that it was contrary to the policy of Congress to extend patents in this way, I beg to refer the letter to the Committee on Patents.

The PRESIDENT pro tempore. The letter will be referred to the Committee on Patents.

Mr. GALLINGER presented the petition of Mary Ann Page and Susan Elizabeth Page, of Atkinson, N. H., praying that an appropriation be made to purchase the land at Valley Forge camp ground, and to make it a national park and military reservation; which was referred to the Committee on Military Affairs.

He also presented the petition of A. P. Preston, of Portsmouth, N. H., praying for the repeal of Schedule B of the war-revenue act; which was referred to the Committee on Finance.

He also presented a petition of the congregation of the Main Street Methodist Episcopal Church, of Nashua, N. H., and the petition of Frederick D. Power, secretary of the Congressional Temperance Society, the Reform Bureau, and a member of the Anti-Saloon League, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which were referred to the Committee on Foreign Relations.

He also presented petitions of J. M. Durrell, of Nashua, William Hurlin, of Antrim, the Woman's Christian Temperance Unions of Lempster and Franklin, all in the State of New Hampshire, and the petition of W. F. Mallalien, bishop of the Methodist Episcopal Church of Auburndale, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

He also presented petitions of the New Hampshire State Grange; of George W. Peirce, of Winchester, B. C. Morse, of Lakeside, H. L. Lyster, of Gilmanton, Arthur E. Straw, of Quaker City, J. L. Gerrish, of Contocook, and of the Woman's Christian Temperance Union, of Newport, all in the State of New Hampshire, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. FOSTER presented a petition of the Clearing House Association of Tacoma, Wash., praying for the repeal of the revenue tax imposed upon the capital and surplus of banks; which was referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of Seattle, Wash., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented sundry petitions of members of the Life-Saving Service in the State of Washington, praying for the enactment of legislation to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck; which were referred to the Committee on Commerce.

Mr. TELLER presented a petition of the Woman's Christian

Temperance Union of Castle Rock, Colo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Denver, Colo., praying for the repeal of the revenue tax on mining stock; which was referred to the Committee on Finance.

Mr. ALLISON presented a petition of the Clearing House Association of Dubuque, Iowa, praying for the repeal of the war-revenue tax on checks, telegrams, contracts of sale, etc.; which was referred to the Committee on Finance.

He also presented a petition of the Daughters of the American Revolution of Marshalltown, Iowa, praying for the establishment of a university of the United States; which was referred to the Committee to Establish the University of the United States.

He also presented the petition of Dr. N. G. O. Coad and 26 other citizens of Hull, Iowa, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Commercial Exchange of Des Moines, Iowa, praying for the establishment of a national park on the Leech Lake Indian Reservation, at the head waters of the Mississippi; which was referred to the Committee on Indian Affairs.

He also presented a memorial of Shelby Norman Post, No. 231, Department of Iowa, Grand Army of the Republic, of Muscatine, Iowa, remonstrating against the enactment of legislation for the removal of all disabilities from those who deserted their post of duty during the war of the rebellion; which was referred to the Committee on Military Affairs.

He also presented a petition of the Ganymede Wheel Club, of Council Bluffs, Iowa, praying for the enactment of legislation to protect the song birds of the country; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregations of the United Brethren, the United Evangelical, the Reformed, and the Methodist Episcopal churches, all of Lisbon, Iowa, and a petition of 800 citizens of Mount Vernon, Iowa, praying for the enactment of legislation to prohibit the transmission by mail or interstate commerce of pictures or descriptions of prize fights; which were referred to the Committee on the Judiciary.

He also presented petitions of S. K. Rice and 28 other citizens of Northwood, G. W. Butterworth and 47 other citizens of Radcliffe, Hugh Hay and 19 other citizens of Spencer, and of the Presbytery of Dubuque, all in the State of Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of William Bevear Post, No. 110, Department of Iowa, Grand Army of the Republic, of Tipton; of Kinsman Post, No. 7, Department of Iowa, Grand Army of the Republic, of Des Moines; and of James C. Taylor Post, No. 165, Department of Iowa, Grand Army of the Republic, of Algona, all in the State of Iowa, praying for the enactment of legislation giving preference to veterans in the public service; which were referred to the Committee on Military Affairs.

He also presented petitions of the Federation of Labor of Cedar Rapids; of the American Federation of Labor, No. 8215, of Clinton; of Federal Labor Union No. 7310, of Walsh; of the Trade and Labor Assembly of Des Moines; of the American Mine Workers' Association of Avery; and of the Trades and Labor Assembly of Ottumwa, all in the State of Iowa, praying for the enactment of legislation to regulate the hours of daily service of laborers and mechanics; which were referred to the Committee on Education and Labor.

He also presented petitions of the Iowa State Sabbath School Association; the congregations of the United Brethren, the United Evangelical, and the Methodist Episcopal churches, all of Lisbon; of the Friends' Church, of Marshalltown; of G. A. Lewis and 51 other citizens of Scranton; of the Woman's Christian Temperance unions of Mount Vernon and Scranton, and of the Christian Endeavor Society of Paullina, all in the State of Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

He also presented petitions of J. A. Johnson and 10 other citizens of North County, B. V. Stanley and 60 other citizens of Linn County, A. T. Dillie and 19 other citizens of Allamakee County, U. Joyce and 53 other citizens of Audubon County, John New-comer and 37 other citizens of Newburg, of Henry Hein and 16 other citizens and of sundry letter carriers of Burlington, all in the State of Iowa, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of the Retail Grocers' Association of Cedar Rapids, the Retail Grocers' Association of Ames, the Retail Grocers' Association of Dubuque, the Retail Grocers' Association of Burlington, and the Iowa State Retail Grocers' Association; of C. W. Lane and 60 other citizens of Centerville, and of

D. M. Rowland and 45 other citizens of Marengo, all in the State of Iowa, remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of A. S. Mo'ampy and 3 other postal clerks of Le Mars, Iowa, praying for the reclassification of railway mail clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Retail Grocers' Association of Des Moines, Iowa, remonstrating against the enactment of legislation providing for sending merchandise through the mail at reduced rates; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Master Plumbers' Association of Dubuque, Iowa, and a petition of Plumbers' Union No. 66, of Iowa, praying for the enactment of legislation to increase the pay of letter carriers; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. QUARLES presented a petition of 110 citizens of Wisconsin, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. THURSTON presented a petition of 15 citizens of Holdrege, Nebr., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Fremont Brewing Company, of Fremont, Nebr., praying for a further reduction of the revenue tax on beer; which was referred to the Committee on Finance.

Mr. MASON presented a petition of the Saloon Keepers' Association of Blue Island, Ill., praying for the repeal of the war-revenue tax on beer; which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Illinois, remonstrating against the enactment of legislation to prohibit the sale of intoxicating liquors in the United States Army; which was ordered to lie on the table.

He also presented a petition of the West Side Woman's Christian Temperance Union, of Chicago, Ill., and a petition of sundry citizens of Camp Point, Ill., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Marissa, Chicago, and Austin, of the Woman's Missionary Society of the Presbyterian Church of Woodstock, and of the Home Missionary Society of the Sixth Presbyterian Church of Chicago, all in the State of Illinois, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. FRYE presented a petition of the Maine State Grange, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of J. H. Yarnell and sundry other citizens of New York City, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in certain islands of the Pacific; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a memorial of Local Union No. 53, Coopers' International Union, of New Athens, Ill., remonstrating against the enactment of legislation to amend certain sections of the Revised Statutes relative to the internal-revenue tax on fermented liquors; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Oak Park, Ill., and the petition of Henry B. Metcalf, of Pawtucket, R. I., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races of Africa; which were referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (S. 5006) granting an increase of pension to John T. Comegys, reported it without amendment, and submitted a report thereon.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 1291) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1903, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 5211) to fix the compensation of district superintendents in the Life-Saving Service, reported it without amendment, and submitted a report thereon.

PROTECTION OF NATIVE AND UNCIVILIZED RACES.

Mr. LODGE. I report back favorably from the Committee on Foreign Relations a resolution, and I am instructed to ask for its present consideration.

The resolution, which had been submitted by Mr. LODGE December 6, 1900, was read, as follows:

Resolved, That in the opinion of this body the time has come when the principle, twice affirmed in international treaties for Central Africa, that native races should be protected against the destructive traffic in intoxicants should be extended to all uncivilized peoples by the enactment of such laws and the making of such treaties as will effectually prohibit the sale to aboriginal tribes and uncivilized races of firearms, opium, and intoxicating beverages.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. SEWELL. Is the resolution reported from a committee? The PRESIDENT pro tempore. It is.

Mr. LODGE. I stated that I reported it from the Committee on Foreign Relations and that I was instructed to ask for its present consideration. It is a resolution simply expressing the opinion of the Senate that it is desirable to extend the provisions as fast as may be of the international agreement in regard to Central Africa by laws and treaties, so as to prevent the sale of opium and intoxicating liquors to aboriginal races. It is merely an expression of opinion.

Mr. SEWELL. It would not apply to the Filipinos, I take it. You would not call them aboriginal?

Mr. LODGE. It is merely an expression of opinion.

Mr. SEWELL. I should like to have the resolution lie over until to-morrow.

The PRESIDENT pro tempore. The resolution will go over.

Mr. SEWELL. I withdraw my objection.

The PRESIDENT pro tempore. The objection is withdrawn, and the question is on agreeing to the resolution.

The resolution was agreed to.

REGENT OF SMITHSONIAN INSTITUTION.

Mr. COCKRELL. I am instructed by the Committee on the Library, to whom was referred the joint resolution (S. R. 144) to fill a vacancy in the Board of Regents of the Smithsonian Institution, to report it favorably without amendment. I ask for its immediate consideration. It is very short and will only take a second.

The joint resolution was read, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than members of Congress, caused by the death of William Lyne Wilson, of Virginia, shall be filled by the appointment of George Gray, a resident of Delaware.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CULBERSON (by request) introduced a bill (S. 5380) for the relief of certain officers and enlisted men of the United States Army who suffered loss on account of the cyclone at Galveston, Tex., September 8, 1900; which was read twice by its title, and referred to the Committee on Claims.

Mr. MONEY introduced a bill (S. 5381) for the relief of the estate of John Rist, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5382) for the relief of the estate of William Parker, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. KENNEY introduced a bill (S. 5383) granting a pension to Theopolis Goodwin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAIRBANKS introduced a bill (S. 5384) granting a pension to Andrew A. Mathews; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 5385) granting a pension to Anna E. Best; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5386) to remove the charge of desertion from the military record of Alfred S. Cook, alias Alfred Seymour, deceased; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5387) referring the claim of the legal representatives of William T. Duvall, deceased, against the United States to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 5388) to increase the limit of cost for the purchase of site and erection of a mint building thereon at Denver, Colo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BATE introduced a bill (S. 5389) for the relief of Jackson College, of Columbia, Maury County, Tenn.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. JONES of Arkansas introduced a bill (S. 5390) granting a pension to John R. Homer Scott; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5391) to provide for a United States

jail at Little Rock, Ark.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HAWLEY introduced a joint resolution (S. R. 146) for the printing as a Senate document of so much of the hearings before the Committee on Military Affairs as relates to the post exchange or canteen; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Printing.

Mr. PROCTOR introduced a joint resolution (S. R. 147) providing for the printing annually of the Report on Field Operations of the Division of Soils, Department of Agriculture; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment fixing the salaries of the superintendents in the Life-Saving Service, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$2,856.11 to pay balance due various merchants of Cloquet and Fond du Lac, Minn., for supplies furnished to certain Indians, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MASON submitted an amendment proposing to appropriate \$5,100 for paving Columbia road from Fourteenth street west, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PAYMENT OF CERTAIN CLAIMS.

Mr. MASON submitted an amendment intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was referred to the Committee on Claims, and ordered to be printed.

ABRAM G. HOYT.

Mr. WARREN. I move that the bill (S. 1981) for the relief of Abram G. Hoyt be recommitted to the Committee on Claims.

The motion was agreed to.

BENJAMIN R. WILEY.

Mr. KENNEY. I move that the votes by which the bill (S. 5128) granting an increase of pension to Benjamin R. Wiley was ordered to a third reading and passed be reconsidered, that the bill may be indefinitely postponed. Since its passage through this body the claimant has died.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. Without objection, the bill will be postponed indefinitely.

CHARGES AGAINST COLONEL HEISTAND.

Mr. JONES of Arkansas. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Committee on Military Affairs be directed to inquire upon what alleged facts the charges made by Maj. Erastus L. Hawkes against Colonel Heistand are based, and to report to the Senate whether there are any allegations which, in the opinion of that committee, should be investigated by the Senate.

Mr. SPOONER. I move the reference of the resolution to the Committee on Military Affairs.

Mr. JONES of Arkansas. I think if the Senator will listen to the reading of the resolution, as it simply goes to that committee for the committee to determine what shall be done by it, he will see that its adoption would be the same as a reference.

Mr. SPOONER. I did not so understand it. I withdraw the motion.

Mr. HOAR. I shall renew the motion if the Senator withdraws it. I think if the Senator will listen to the resolution again he will adhere to his motion.

Mr. SPOONER. I think the resolution should not pass, but on grounds entirely distinct from those perhaps to which the Senator refers. I will make the motion.

Mr. HOAR. It seems to me that it puts the Senate of the United States in a very extraordinary position—this great body, representing 45 sovereign States and dealing with great national and international affairs. Now, without anything to show a large public interest, without anything to show any great matter of principle, there is a resolution proposing that a committee shall inquire whether John Smith properly charged John Jones. We do not know what the charges are, or who John Smith is, or who John Jones is. That is the whole of the resolution. I object to it. I do not object to its being referred to the committee. I renew the motion.

The PRESIDENT pro tempore. The Senator from Wisconsin moves that the resolution be referred to the Committee on Military Affairs. That is the question before the Senate.

Mr. HOAR. I understood the Senator from Wisconsin to withdraw his motion.

Mr. SPOONER. I renewed it.

Mr. HOAR. Very well.

Mr. JONES of Arkansas. Mr. President, I should like to say a word in this connection. There are a number of statements in newspapers of charges being preferred by one man, who has been an Army officer heretofore, against another man, who is an Army officer—charges of a very grave character. Rumors of facts of a very grave character in connection with the matter have found their way into newspapers and are presented on all sides to Senators. The ex-Army officer has been removed from the public service, as the newspapers state, and, it is stated by one of the Secretaries, on account of his being guilty of some bad conduct. The rumors are that the other man was as guilty as he was in connection with those things. If it is true that the man who remains in the public service has been equally as guilty as the man who has been removed, the facts ought to be known, and if there has been any infamous conduct of that sort, it should be understood.

The resolution which I offer simply proposes to direct the Committee on Military Affairs to inquire into the facts and to determine whether, on the face of the papers, or whatever is presented to that committee, there is any ground for any investigation. Whether there is any truth in any of it I do not know, but I do believe that the charges made are of sufficient gravity to warrant their being looked into by a committee to determine whether there ought to be an investigation. I have no objection to the resolution taking the course suggested by the Senator from Wisconsin.

Mr. HOAR. My objection is to the form of the procedure. The Senator proposes that the committee shall inquire whether there is any truth in charges made by A against B. For one, I do not know what the charges are, or who A is, or who B is. I have never heard of the matter before, to my knowledge. I have heard something privately since the Senator's resolution was read. But it does seem to me that it should be a very grave and serious matter before the Senate of the United States unlimbers its heavy artillery, and that we should know whether it is a matter that should be settled by a suit before a justice of the peace, settled by a court, or by impeachment brought before the Senate by the House of Representatives, or settled by legislation, or in some other way. But the committee will have the whole matter before them if the resolution is referred. They will supply any defect in the form of the resolution, and will know what to do.

The PRESIDENT pro tempore. The question is on agreeing to the motion to refer the resolution to the Committee on Military Affairs.

The motion was agreed to.

REPORT OF ABRAHAM L. LAWSHE.

Mr. PETTIGREW. I offer a resolution, and I ask that it may be printed and lie over until to-morrow under the rule.

The resolution was read, as follows:

Resolved, That the Senate hereby expresses its condemnation of the refusal of the Secretary of War, under whatever influence, to send to the Senate copies of papers called for by its resolution of the 19th of December, 1900, requesting the Secretary of War to send to the Senate the report of Abraham L. Lawshe in relation to the receipts and expenditures in Cuba, as in violation of his official duty and subversive of the fundamental principles of the Government and of a good administration thereof.

The PRESIDENT pro tempore. The resolution will go over under the rule.

ASSISTANT CLERK TO COMMITTEE.

Mr. FAIRBANKS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Buildings and Grounds be, and it hereby is, authorized to employ an assistant clerk, to be paid from the contingent fund of the Senate, at the rate of \$1,440 per annum, until otherwise provided for by law.

REPORTS ON FOREIGN RELATIONS.

Mr. LODGE submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed of the Compilation of Reports of the Committee on Foreign Relations of the United States Senate from 1789 to 1900, prepared under the direction of the Committee on Foreign Relations, as authorized by the act approved June 6, 1900, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes," 500 copies, of which number 35 copies shall be for the use of the committee.

RESURVEY OF LANDS IN NEBRASKA.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was read, considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States is hereby requested to return to the House the bill (H. R. 2955) entitled "An act providing for the resurvey of township numbered 8, of range numbered 30 west of the sixth principal meridian, in Frontier County, State of Nebraska," in order to correct an error whereby the bill has been enrolled as an act of the first instead of the second session of the Fifty-sixth Congress.

AFFAIRS IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day, which will be read. The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved, That the President be, and he is hereby, requested, if not incompatible with the public interest, to send to the Senate copies of all instructions sent to the officers of the Government in the Philippines since May 1, 1898, and orders issued by officers of the Government in the Philippines in relation to the conduct of the war and in relation to the government of that country.

Mr. LODGE. Mr. President, that is a very sweeping resolution. It covers a great many matters which have already been sent in. It would be useless labor to send them in again. I think it had better be referred to the Committee on the Philippines.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the resolution be referred to the Committee on the Philippines.

Mr. PETTIGREW. Mr. President, I think perhaps it would be proper to amend the resolution by providing that the President shall send all those papers not heretofore transmitted to the Senate, which would cover the objection of the Senator from Massachusetts.

The information desired is for the purpose of giving the Senate a chance to determine whether a large army is necessary or not. The President says there is no war; that it closed some months ago. The Military Committee seem to disagree with the President. It is hard to tell what the chairman of that committee means by his statement, while the Senator from New Jersey [Mr. SEWELL] clearly states that there is a war of large proportions, requiring an army of not less than 60,000 men, and perhaps a hundred thousand, for an indefinite period.

Owing to the fact that the Committee on Military Affairs and the President disagree as to what the facts are, it seems to me it would facilitate the passage of the Army bill for us to have possession of the official data upon the subject, and that we have a right to know and to judge for ourselves before we determine so great a question as the permanent enlargement of the Army of the United States to a hundred thousand men, for it is idle to pretend that the bill now under consideration for the enlargement of the Army does not make a permanent army of 100,000 men. No one pretends that it shall be less as far as its quota of officers is concerned. It can be less only as to its private soldiers and the corporals.

Therefore, as we have to consider the question whether the Army shall be increased from less than 30,000 to 100,000, and the reason given for the increase by the Committee on Military Affairs is that we are engaged in a war in the Philippines which the President says does not exist, it seems to me important that we should have this information.

I think it will facilitate very much the passage of the Army bill if it can be secured in as prompt a manner as possible. I have no faith in the Committee on the Philippines reporting the resolution, and I have a right to suspect that they will not do it, for the reason that last year, and whenever we have tried to get the facts in regard to the Philippines, the information has been denied. The resolutions referred to the Committee on Foreign Relations were never reported back to this body. We are in ignorance and the public is in ignorance as to the instructions given to our peace commissioners at Paris except such information as was given by the President in a campaign document during the last campaign; and we have a right to suppose that they were garbled extracts. Under the circumstances we have a right to this information and the whole of it, and yet it is denied to the American people and to the Senate of the United States.

Therefore I hope the resolution will be passed rather than referred to that graveyard of resolutions as to the facts of the miserable business in which we are engaged, the Committee on the Philippines.

Mr. HAWLEY. Mr. President, I hope that the resolution will not be adopted. It would take some months of copying in the Philippines and copying here, and it would take a good month to send the manuscript over from Manila. Whether the object of the resolution be to delay the passage of the Army bill or not, it is very obviously the immediate effect, and the Senator who offers it, being quite an intelligent and experienced member and knowing precisely what the resolution will do, is liable to the legal doctrine that when a man knows what the effect of his action is to be he is held to be responsible or guilty as the case may be. If he should discharge a musket down a crowded street, the law takes it for granted that he intends to kill somebody. This is quite an analogous case. I move—

Mr. ALDRICH. There is a motion pending.

Mr. HAWLEY. To refer it to the committee?

Mr. ALDRICH. Yes.

Mr. HAWLEY. I hope that action will be taken.

The PRESIDENT pro tempore. The question is on the motion to refer the resolution to the Committee on the Philippines.

The motion was agreed to.

PAYMENTS TO SISSETON AND WAHPETON INDIANS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved, That the Secretary of the Interior be, and is hereby, directed to send to the Senate a copy of all recommendations, requests, and papers on file in relation to the payment of money belonging to the Sisseton and Wahpeton Indians to said Indians since November 6, 1900, and to inform the Senate whether he informed said Indians, or any of them, or any other person, previous to November 6 that he would make said payment after that date.

Mr. PLATT of Connecticut. I should like to have the resolution go over one day more. I understand that the Senator who introduced it is willing that it shall go over.

Mr. PETTIGREW. That is entirely satisfactory.

The PRESIDENT pro tempore. Retaining its place?

Mr. PLATT of Connecticut. Retaining its place.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AFFAIRS IN THE PHILIPPINES.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. PETTIGREW, as follows:

Resolved, That the President is hereby requested, if not incompatible with the public interest, to inform the Senate what necessity, if any, exists for increasing the Army at this time; what are the conditions in the Philippines, and how many men are required there. The President is also requested to send to the Senate copies of all communications received from our officers in the Philippines showing the conditions in that country and the number of men required now and in the future.

Mr. ALDRICH. I move that the resolution be referred to the Committee on Military Affairs.

Mr. PETTIGREW. Mr. President, I should like to know the purpose of the reference to the Committee on Military Affairs. I should like to know whether it is for the purpose of reporting it back, or for the purpose of keeping it there, or what is the purpose in referring it to the Committee on Military Affairs.

Mr. ALDRICH. It is to be referred for the consideration of that committee.

Mr. PETTIGREW. For the information of the committee, I should like to ask?

Mr. ALDRICH. No; for the consideration of the committee, in order that the committee may state to the Senate whether they think it a proper resolution to pass.

Mr. PETTIGREW. Can I have any assurance from the Senator that the committee will meet at once and act upon it?

Mr. ALDRICH. The chairman of the committee is present. I have no doubt it will be acted upon within a reasonable time.

Mr. PETTIGREW. I should like to ask the chairman if he can give any assurance of early action upon the resolution.

Mr. HAWLEY. I intend to call a meeting of the committee to-morrow morning at about half past 10, and that paper, among many others will be laid before it.

The PRESIDENT pro tempore. The Senator from Rhode Island moves that the resolution be referred to the Committee on Military Affairs.

The motion was agreed to.

HENRY O. MORSE.

Mr. HALE. I ask the Senate to proceed to the consideration of the bill (H. R. 163) for the relief of Henry O. Morse.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to remove the charge of desertion now standing against the name of Henry O. Morse, late of the United States ship *Alleghany*, and to issue to him a certificate of discharge from the service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE MILITARY ESTABLISHMENT.

Mr. HAWLEY. I move that the Senate proceed to the consideration of the Army bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. 4300) to increase the efficiency of the military establishment of the United States.

Mr. HAWLEY. The bill was read through—the whole of it—what the House struck out, what the Senate inserted, etc., and I suppose it is now in order to begin where the House bill begins, on page 10, line 18, and act upon the amendments of the committee. Am I correct?

The PRESIDENT pro tempore. Amendments are in order. The bill is open to amendment.

Mr. PETTIGREW. I ask that the report of the committee on the bill be read. If there is more than one report, I want to have both read.

The PRESIDENT pro tempore. The Senator from South Dakota demands the reading of the report. The Secretary will read it.

The Secretary read from the report submitted by Mr. HAWLEY December 20, 1900, as follows:

The Committee on Military Affairs, to whom said bill was referred, report it with sundry amendments and recommend that it do pass as thus amended.

By a law bearing the above title enacted March 2, 1899, the President was "authorized to maintain the Regular Army at a strength not exceeding 65,000 enlisted men, to be distributed among the several branches of the service, including the Signal Corps, and raise a force of not more than 35,000 volunteers, to be recruited as he may determine from the country at large or from the localities where their services are needed."

Under the authority of this statute very nearly 100,000 men were brought into the field and organized, but the law provided "that the officers and enlisted men of the Volunteer Army should be mustered out of the military service, as provided in the act of April 22, 1898." But the act of March 2, 1899, proceeds to say:

"That each and every provision of said act shall continue in force until July 1, 1901, and on and after that date all the general staff and line officers appointed to the Army under this act shall be discharged and the numbers restored in each grade to those existing at the passage of said act."

It is also provided that such increased regular and volunteer forces shall continue in service only during the necessity therefor and not later than July 1, 1901, "and the enlisted force of the line of the Army shall be reduced to the number as provided for by a law prior to April 1, 1898," excepting the addition to the artillery regiments.

Briefly, all the volunteers must be discharged and the entire Army reduced to about 29,000 unless some remedial legislation shall be enacted before the 1st of July, 1901.

It is impossible to suppose that any intelligent citizen would pretend that an army of 29,000 is sufficient to meet existing requirements. Sixty-nine thousand soldiers must be discharged before July 1, 1901. The work has necessarily commenced already. Invalid soldiers are brought home first. A ship is now on the way with its complement, and ships are to leave twice a month until all are brought home, except those who desire to remain in our island possessions as citizens.

If no legislation shall interfere, on the 30th of June the men who enlisted in the Regular Army for three years will have to be mustered out before their time.

To fail now to preserve the Army substantially at its present strength would be to plunge our present position into chaos and to let loose all shames and crimes.

The bill S. 4300 passed the Senate last session. The House in considering the bill this session struck out all after the enacting clause and substituted a bill with many changes.

Section 3 of the bill as it came from the House enacted that the regimental organization of the artillery arm of the United States Army is hereby discontinued, and that arm is constituted and designated the artillery corps. The Senate committee reports against this proposition, preferring to preserve the regiments, many of which have very glorious traditions.

Fixing the number of staff officers has been a trying task. The committee has not been able to comply with all the recommendations of the chiefs of departments, but endeavored to give them a sufficient working force.

An amendment not reported by the committee last session was inserted in Senate bill 4300 providing for a formidable veterinary corps.

The Senate committee proposes to strike out the section providing for such a corps, which was inserted in the House, and insert in lieu thereof section 16, which, in the judgment of cavalry officers and quartermasters, grants to the Army a sufficient number of veterinarians with sufficient rank and pay.

Care has been taken to give deserving officers of volunteers who are to be mustered out an opportunity for entering the Regular Army.

The committee hopes that very considerable useful forces may be enlisted in the Philippine Islands, and has authorized the President to enlist such troops when in his opinion the condition in the Philippine Islands justifies.

The committee respectfully invites the attention of the Senate to the following comparative statement of the officers of the staff corps and the officers of the line:

Staff corps of the Regular Army.

NUMBER OF OFFICERS AUTHORIZED BY EXISTING LAW.

	Generals.	Colonels.	Lieutenant-colonels.	Majors.	Captains.	First lieutenants.	Second lieutenants.	Grand total.
Adjutant-General's Department	1	5	6	5				17
Inspector-General's Department	1	3	3	3				10
Judge-Advocate's Department	1	1	3	3				8
Quartermaster's Department	1	4	8	14	31			58
Subsistence Department	1	2	3	8	8			22
Medical Department	1	6	10	50	70	55		192
Pay Department	1	2	3	20				26
Corps of Engineers	1	7	14	28	35	30	12	127
Ordnance Department	1	4	5	13	24	20		67
Signal Corps	1	1	1	1	4	3		11
Record and Pension Office	1			1				2
Total	11	35	56	146	172	108	12	540

NUMBER OF OFFICERS PROVIDED FOR IN THE BILL AS REPORTED TO THE SENATE.

	Generals.	Colonels.	Lieutenant-colonels.	Majors.	Captains.	First lieutenants.	Second lieutenants.	Grand total.
Adjutant-General's Department	1	5	7	15				28
Inspector-General's Department	1	3	4	9				17
Judge-Advocate's Department	1	2	3	6				12
Quartermaster's Department	1	6	9	18	54			84
Subsistence Department	1	3	4	9	27			41
Medical Department	1	8	12	60	1240			324
Pay Department	1	3	4	9	27			40
Corps of Engineers	1	7	14	28	40	40	30	161
Ordnance Department	1	4	6	12	24	24		74
Signal Corps	1	1	1	3	9	9		22
Record and Pension Office	1			1				8
Total	11	42	64	170	421	73	30	811

¹ 240 captains or first lieutenants.

Field officers of the line.

NUMBER IN THE REGULAR ARMY UNDER EXISTING LAW.

	Colonels.	Lieutenant-colonels.	Majors.	Captains.	First lieutenants.	Second lieutenants.	Grand total.
Cavalry (10 regiments)	10	10	30	140	160	120	470
Artillery (7 regiments)	7	7	21	112	112	98	357
Infantry (35 regiments)	25	25	75	350	400	300	1,175
Total	42	42	126	602	672	518	2,002

NUMBER IN THE BILL AS REPORTED TO THE SENATE.

	Colonels.	Lieutenant-colonels.	Majors.	Captains.	First lieutenants.	Second lieutenants.	Grand total.
Cavalry (15 regiments)	15	15	45	225	225	225	750
Artillery (12 regiments)	12	12	36	204	204	204	672
Infantry (30 regiments)	30	30	90	450	450	450	1,500
Total	57	57	171	879	879	879	2,922

There has been a long-continued agitation in the public mind concerning the so-called "canteen" system in the Army. The true and legal title is the "post exchange," a thoroughly and carefully organized system intended to furnish the soldier a supply and selection of articles of food that he may vary his regular rations. It also furnishes articles of clothing, stationery, etc., and in the room containing these, newspapers of various classes.

The existing law and custom permit the sale of beer and light wine. The committee has amended the House provision on this subject, making the section read as follows:

"Sec. 34. The sale of or dealing in wine or any distilled spirits by any person in any post exchange or canteen or Army transport or upon any premises used for military purposes by the United States is hereby prohibited. The Secretary of War is hereby directed to carry the provisions of this section into full force and effect."

The committee invited and heard all who desired to speak upon this interesting subject. The post exchange, misnamed the "canteen," has been greatly misunderstood and misrepresented. The committee believes that the arguments and statistics, to which is given very liberal space, will justify the opinion that the post exchange is a great instrument of good and of great value in maintaining discipline and good order.

Mr. HAWLEY. I suggest that that which immediately follows is quite a long letter from the Adjutant-General of the Army, with statistics, etc. It is on our table here, and is part of the argument concerning the canteen or the post exchange, which we are having printed in full. It has already gone to press.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the reading of the letter of the Adjutant-General be dispensed with.

Mr. GALLINGER. The Senator from South Dakota [Mr. PETTIGREW] having requested that the report should be read, as he is now absent from the Senate Chamber, it seems to me it is not fair to that Senator to have the order changed in his absence. I therefore insist that the report shall be read.

The PRESIDENT pro tempore. The Senator from New Hampshire objects, and the reading will be continued.

The Secretary resumed the reading of the report, as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 17, 1900.

SIR: Referring to the request of your committee for official information regarding the post exchange, popularly known as the "Army canteen," I have the honor to reply as follows:

The post exchange was established in 1839 as a substitute for the traders' store system, which the Department had determined to abolish. It was essentially a cooperative institution, the expense of which was met entirely by contributions from the enlisted men, without any assistance whatever from the Government, excepting permission to occupy a vacant building, and maintained entirely at their own expense.

Its features were: (a) A well-stocked general store in which such goods are kept as are usually required at military posts and were formerly supplied by the trader; (b) a well-kept lunch counter, where such articles as tea, coffee, cocoa, nonalcoholic drinks, soup, fish, sandwiches, pastries, etc., are always on sale; (c) reading and recreation rooms, supplied with books, periodicals, and other reading matter, paper and envelopes, where men can write letters to their friends; billiard and pool tables, bowling alley, and facilities for other proper indoor games, as well as apparatus for outdoor sports and exercises, such as cricket, football, baseball, tennis, etc.; (d) a well-equipped gymnasium, and, incidentally, (e) a room used for no other purpose in which the sale of beer and light wines was permitted whenever the commanding officer "is satisfied that giving to the troops the opportunity of obtaining such beverage within the post limits will prevent them from resorting for strong intoxicants to places without such limits and tends to promote temperance and discipline among them."

No spirituous liquors, such as whisky, brandy, gin, and high wines, have ever been sold in the canteen, their sale being positively prohibited; the sale of beer limited to week days and must be consumed upon the premises; the practice of treating and every form of gambling absolutely forbidden. The sale of beer was authorized for two reasons. First, as above cited, to keep the men away from the drinking saloons and low dens of vice that fringe every large military post, and, second, that through the profits the soldier's ration could be supplemented by such extras as milk, eggs, butter, lard, ice, and such other articles regarded as indispensable by the poorest family in civil life, but which, for obvious reasons, are not a part of the Army ration. The establishment, in a few words, embodies the features of a cooperative store and an enlisted man's club.

Following the year 1889, the development of the exchange was gradual and always progressive. In the beginning a great many officers were opposed to it, but this opposition, as is shown by official records, during the four or five following years, almost entirely disappeared, so that by the beginning of the year 1895 there were exchanges at every military post, and the result of the experiment was so fully demonstrated that it was recognized everywhere as a most important feature of army administration. No complaints of any

consequence were made against it, and every report from commanding officers and department commanders was highly commendatory.

The breaking out of the war with Spain, the sending of the Army into the field, and the raising of volunteer regiments developed unexpected and, perhaps, not unreasonable, conditions. It being impossible to carry into the field the store, the recreation room, the gymnasium, and such like sections of the exchange, coupled with the desirability of keeping the men away from the grogshops and saloons which followed the Army into the field, as well as the unfamiliarity of the volunteer troops with the system, necessarily confined the exchange to little more than a canteen, pure and simple, thus bringing the objectionable part of the exchange into prominence.

It is not of record that there was any abuse of the canteen privilege by any regiments of the Regular Army, but at some of the volunteer camps this abuse became so apparent as to create an opposition upon the part of temperance people and others having the interest of our soldiers at heart, and to these conditions, which lasted during the greater part of 1898, is to be attributed the strong opposition to the canteen, which culminated in the action of Congress of March 2, 1899, popularly known as the "anti-canteen amendment to the Army appropriation bill."

There are at the present time about 55 post exchanges within the limits of the United States which embody all the features above cited. Against these exchanges there has never been any special complaint, their operations being entirely satisfactory. They have resulted in driving away from the vicinity of the posts the saloons and dens of vice which formerly surrounded them, and by their profits they have enabled the soldier to supplement his ration with such extra articles as give him the best table fare accorded the soldiers of any nation in the world; and the abolition of the exchange, which would be the natural result from prohibiting the sale of beer, if we are to judge from the practically unanimous sentiment of the Army, would prove a most serious detriment, not only to military discipline, but to the well-being and contentment of the enlisted men.

About a year ago, for the purpose of informing the Secretary of War as to the views of the Army on the subject, a very careful canvass was made. Every commanding officer of regiments, battalions, troops, batteries, and companies, and the noncommissioned officers of longest service, were called upon for their opinions. The opinions of general officers were not called for, for the reason that their views on the question were already of record. The views of staff officers were not required, for the reason that very few of them were serving with troops; nor of lieutenants, for the reason that the greater number of them had entered the service since the exchange system was introduced, and obviously had no knowledge of earlier conditions.

The result of this canvass, together with the information already in possession of the Department, shows that the advocates and supporters of the canteen system embraced every general officer except two, every colonel of cavalry, every colonel of artillery, every colonel of infantry but one, 504 of the 516 commanding officers of organizations, and fully 95 per cent of the non-commissioned officers of oldest service. The practical unanimity of sentiment was so apparent as to leave no room whatever for doubt. It developed the fact that 908 commanding officers and noncommissioned officers out of the 1,019, whose opinions were received, said that it has improved the discipline of the Army; 739 that it has decreased desertion; 825 that it has lessened the number of trials by court-martial for petty offenses; 909 that it has lessened drunkenness; 980 that the selling of beer at the post prevents the men from going outside to procure whisky and other strong intoxicants.

It was further developed by a careful investigation made by Assistant Surgeon Munson, U. S. A., that the effect of the canteen system upon the sick rate has been so marked as to have attracted the attention of medical experts; that the percentage of cases of hospital treatment for alcoholism and its direct results, which for the ten years preceding the introduction of the canteen system, averaged 64.28 per thousand, had gradually decreased during the ten years following the introduction of the canteen to 44, 46, 44, 44, 41, 37, 34, 32, 31, 30; that cases of delirium tremens had been reduced 31 per cent, and that the cases of insanity due to intoxicants had been reduced 31.7 per cent.

In the face of this testimony of the men who are in direct contact with the system, and of expert investigation, it is safe to presume that the prohibition of the sale of beer in the post exchange means an increase of whisky drinking and drunkenness, and the consequent necessity for medical treatment, an increase of the horrors of delirium tremens and insanity, an increased number of courts-martial and punishments, and of desertion, to the scandal of the service, no less than a decrease in discipline, health, and morals, and the consequent diminution of contentment, self-esteem, and self-reliance upon the part of the enlisted men, to say nothing about its effects on the surrounding communities.

There remains to be considered the new conditions that have grown out of the occupation by the United States of lands in tropical countries where native customs and climatic conditions have developed new and unexpected problems. Reports from the Philippine Islands, where our troops are scattered at something over 400 stations, at small towns and villages, where it is quite impossible to purchase anything beyond the ordinary necessities of life, indicate that the post exchange has become an absolute necessity. Moreover that the sale of beer in these exchanges has prevented the soldiers from drinking the vile native concoctions known as "anisado," "bino," or "vino," and "tuba," which in the early days of our occupation presented a very serious problem to the military authorities. Extracts from a few of these reports received by recent mails accompany this letter.

Similar reports have been received from Cuba, where the conditions are very much like those in the Philippine Islands, several officers, including General Lee, having reported that drunkenness has almost entirely disappeared since the sale of beer has been permitted in their commands. In the Annual Report of the Adjutant-General of the Army for 1900, page 25, there are cited reports from the chief surgeon at Santiago de Cuba to the effect that owing to the outbreak of yellow fever in 1899 canteens were discontinued at many posts in that section, but that alcoholism and intestinal troubles increased to an alarming extent, the latter almost fourfold at some posts, and as the increase could not be traced to the food and water the surgeons attributed it to rum, which is easily procured at very slight cost in that section. The canteens were then opened and the subsidence of these intestinal troubles was as remarkable as their rise. In one post in one month the intestinal troubles decreased 80 per cent.

There is also cited a report of the inspector-general of the Department of Porto Rico to a similar effect. These officers conclude that to close the canteen in Cuba and Porto Rico without first closing all possible avenues for the procuring of rum within a radius of 10 miles would be sanitary suicide, and "from practical observations are led to the conclusion that the closing of the post canteen in Cuba and Porto Rico would be an unjustifiable as well as a dangerous experiment."

In the face of all this testimony to the beneficent influence of the canteen as an aid to morality, health, and discipline it may be easily understood why the Army views with a feeling of dismay any action of Congress looking to its abolition. This overwhelming majority of officers, who are responsible to the Government for the lives and well being of their men and dependable upon their good conduct, contentment, and efficiency for the correct performance of the duties enjoined upon them, reasonably feel that they are

better judges of what is best for their men than outsiders, who, however praiseworthy their motives in the abstract, can have no possible knowledge of the concrete.

Enlisted men who see the combined efforts of their officers for their betterment and contentment ineffectual and their wishes ignored become discontented and refuse to reenlist. Already are there indications that men proposing to enter the Army are likely to be deterred from enlisting when informed that their personal liberty is to be still further restricted, and that the table fare is to be limited to the ration, pure and simple. For these reasons this Department indulges the hope that your committee may recommend that the canteen system, as it now exists, be not disturbed, but left to the good judgment of the officers who are responsible for the discipline, efficiency, and contentment of the men they command.

Very respectfully,

H. C. CORBIN, *Adjutant-General.*

HON. JOSEPH R. HAWLEY,

Chairman Military Committee, United States Senate.

Mr. PETTIGREW. I should like to ask the chairman of the Committee on Military Affairs whether this is all the report there is from the Senate committee on the subject?

Mr. HAWLEY. Directly following what has been read at the desk are extracts from communications on the subject of the post exchange. They are a part of the report. There are four pages more, containing perhaps twenty or thirty extracts and some conversations between members of the committee and officers of the Army and others, which are really part of the report. In addition, there are two pamphlets containing 128 pages of evidence presented to the committee. We heard everybody who desired to be heard. There were speeches, letters, and all that sort of thing. They are printed in two separate documents, entitled "Hearings before the Committee on Military Affairs," which are a part of the report.

Mr. PETTIGREW. Mr. President—

Mr. CARTER. If the chairman of the committee will permit me—

THE PRESIDING OFFICER (Mr. BEVERIDGE in the chair). Does the Senator from South Dakota yield?

Mr. PETTIGREW. I do.

Mr. CARTER. I suggest to the chairman of the committee that it might be wise to pass over all contested amendments and propositions in the bill likely to lead to discussion, to the end that the formal amendments may be first disposed of. I can see no objection to that proceeding, and I think it would tend to expedite the work upon the bill.

Mr. HAWLEY. The Senator means unobjected amendments. Mr. CARTER. Let the unobjected amendments be first disposed of. If the chairman has no objection, I will ask unanimous consent that we proceed to first dispose of unobjected amendments to the bill.

Mr. TELLER. Would that apply to the whole bill, and prevent discussion?

THE PRESIDING OFFICER. The Senator from Montana asks unanimous consent that the Senate proceed to the consideration of amendments which are not objected to. Is there objection?

Mr. PETTIGREW. I object.

THE PRESIDING OFFICER. Objection is made.

Mr. CARTER. In reply to the Senator from Colorado [Mr. TELLER], I will say that the proposition will not in any way abridge the right of discussion of the whole bill and amendments; but there are certain amendments which are verbal and entirely unobjectionable. They constitute no basis for discussion, and it would be well to have the bill perfected and the discussion reduced to the contested points, if possible. I trust the Senator from South Dakota will withdraw his objection, to the end that that mode of procedure may obtain.

Mr. PETTIGREW. I shall not withdraw my objection.

THE PRESIDING OFFICER. Objection is made to the request of the Senator from Montana.

Mr. PETTIGREW. I do not withdraw my objection, for the reason that I have tried to secure information as to why the Army should be enlarged, and it is refused. I tried to get it from the reading of the report of the committee, but that contains nothing. It simply relates to the Army canteen, and contains some incoherent statements with regard to the increase of the Army without a reason, without an argument, without an excuse of any sort. From some source I propose to have this information, if it can be had. If the committee will not furnish it, and the Senate refuses to pass resolutions of inquiry seeking it, then we shall have to take time to try to find it as best we can.

Mr. HAWLEY. I think the Senator was out of the Chamber when the first part of the report was read. The first two pages of the report contain carefully condensed statements of the reasons for these enlistments and the necessities of the service. I presume he did not hear that.

Mr. PETTIGREW. All we find is this:

To fail now to preserve the Army substantially at its present strength would be to plunge our present position into chaos and to let loose all shames and crimes.

Mr. HAWLEY. That is part of the report, and the judgment of the committee.

Mr. PETTIGREW. And for that reason we need an Army of 100,000 men!

Mr. HAWLEY. The report has been read.

Mr. PETTIGREW. I suppose there must be another report to justify the committee in bringing in a bill here asking for an increase of 69,000 men.

Mr. CARTER. If the Senator will allow me one moment; I hope he will permit an interruption?

Mr. PETTIGREW. Certainly.

Mr. CARTER. The Senator from South Dakota does not correctly state the case. There is really no proposition to increase the Army here. The Army at present is 100,000 men. It consists of 65,000 authorized regulars and 25,000 volunteers. It is true that it is but a temporary force, but it is so obvious to the most casual observer in the country, to everyone reading the daily papers, to everyone having access to the reports of the department commanders, the Secretary of War, and the messages of the President of the United States, that a condition exists which can not be fully described in any ordinary report of limited scope: that a report attempting to describe the conditions with which this bill proposes to deal would constitute a reflection not only upon the intelligence of Senators, but upon the general intelligence of the people of the country at large. There is no doubt whatever that the present force of 100,000 men is scarcely an adequate force. It has been said that 79,000 men were engaged in the Philippines at one time. Certain troops are engaged in Porto Rico; other troops in Hawaii; some troops in Cuba; and it is well known to the Senator from South Dakota that troops have been so far withdrawn from the United States as to leave public property at established posts, and guns connected with our coast defense, without proper care or attention. In the State of South Dakota, for instance, I doubt if there is an adequate number of troops at any one of the military posts there to preserve order in case of an Indian outbreak; and certainly scarcely enough in the State of Montana at one military post to take care of the public property.

If any criticism can be offered at all to the number proposed for the Army in this bill, the criticism might well obtain that the number provided is inadequate, and that statement, I think, is but the natural result of two years' experience and ordinary observation, which is open to the Senator from South Dakota, with his clear sense of public duty, as to any other person in this Chamber. A report can not be made to cover all of the facts and conditions stated in the report of the Secretary of War and the reports of the general commanding in the Philippines and of his subordinate officers. I think the report would make a volume so large that the Senator would be discouraged in being charged with reading it in order to properly inform himself of the conditions.

Mr. WELLINGTON. Mr. President, before the Senator from Montana takes his seat, I should like to ask him a question.

Yesterday in his remarks, if I remember correctly, he said that it was necessary to have a large force in the Philippines to preserve law and order and to uphold the dignity of the American arms and the American flag. In this discussion it seems to me that the starting point is this: What is the intent of the Administration in regard to the Philippines? Is it the intention of the present Administration to take the Philippines and annex them permanently, against the wishes of the people, by force and arms? If that be the intention, there is no question that a large army is necessary, and will be necessary for years to come.

When this matter was first taken up we were assured by Administration Senators that 5,000 men in six weeks would restore tranquility and make peace in the Philippines. Two campaigns have been fought in the Philippines, and at every stage of the war we have been assured that in a week or two there would be complete peace; and yet, notwithstanding the fact that the President in his message assures us that law and order are restored, the Military Committee comes here and tells us that it is necessary to keep 76,000 men in the Philippines now. For what reason? Why, sir, because those people can not be quelled by American arms in the manner that you are undertaking. And, sir, it was said before the Presidential election that the only thing necessary further was that the present Administration should receive an indorsement by the people; that the Filipinos would then lay down their arms. Have they done so? No. The revolution there, the rebellion, the insurrection, call it what you may, is worse today than it was before the Presidential election.

Sir, I wish to put the question to the Senator from Montana, what is the purpose of the Administration? Is it the purpose to take these islands by force of arms and deprive the inhabitants of the Philippines of the right of self-government? Then I for one am opposed to the increase of the Army for that purpose.

Mr. HAWLEY. The Army is not increased. It now stands, nominally, at least, at about a hundred thousand; really, I think, about 98,000; and the machinery is all ready for the reduction of it. When in the judgment of the President of the United States and the very able officers under him, upon the obvious facts as they will be laid before us by the press and by the current reports

of officers, there is no serious war going on, nothing but brigandage and guerrilla warfare, then we shall reduce the Army. It will reduce itself then. It will be necessary only to stop recruiting to reduce it at quite a rapid rate.

Mr. CARTER. With the permission of the Senator from South Dakota, in whose time I seem to be speaking—

Mr. PETTIGREW. I yield the floor to the Senator from Montana.

Mr. CARTER. I will endeavor to answer the question of the Senator from Maryland, which is pretty well drawn out, I must confess.

Mr. WELLINGTON. The Senator from Maryland begs pardon, but he has patterned after older associates.

Mr. CARTER. The Senator from Montana, possibly.

Mr. President, the pith and point of the question presented by the Senator from Maryland is this: The Administration must here and now, to satisfy his mind, declare its intention with reference to the future policy of this Government in the Philippine Islands. The Senator does not vouchsafe the information as to whether, that policy being declared, he would support the bill, but he thinks that in order to act intelligently upon the subject some pointed declaration should be made. The Senator can consult the record made by Congress for an answer to his question.

The President of the United States has no right to elect as to what he will do in the Philippine Islands. I undertook briefly yesterday afternoon to outline the history of the events leading up to the present situation. In the first instance, this body, by a two-thirds vote, both Houses subsequently by a majority vote, ratified a treaty whereby the Philippine Islands were ceded to the United States, and subsequently appropriated the money in conformity with the terms of that treaty to make the payment to Spain of \$20,000,000. That was not the action of the Administration, but the action of the Senate and the House of Representatives, the law-making and treaty-ratifying power of the Government. The moment the treaty of peace was ratified, that moment, Mr. President, it became the supreme law of this land, and had the President of the United States at any time, or should he at any time in the future, relinquish the sovereignty of the Government over the Philippines when possessed of an authority to maintain that sovereignty, he would lay himself open to impeachment for high crimes and misdemeanors. He has as much right and authority to withdraw the forces of the United States and to surrender the sovereignty over Alaska to-night as he has over the island of Luzon.

Mr. WELLINGTON. Has he not already surrendered the sovereignty over one part of Alaska, if I may ask the question?

Mr. CARTER. That was in the course of an ordinary proceeding relative to a disputed boundary; and with reference to any cession or surrender at that point this body will finally be called upon to act, and the action of the President of the United States in the premises will only be tentative until there is a final and full disposition.

Mr. SPOONER. That was a modus vivendi.

Mr. CARTER. That was a modus vivendi—a mere temporary arrangement to prevent conflicts between citizens at the disputed point on the boundary.

Mr. WELLINGTON. Is it not true that under this modus vivendi our lines have been moved, the British constabulary have taken authority, have raised the British flag, and American citizens are now under English law there? That is true. That is the fact, and it is well known.

Mr. CARTER. Mr. President, that is the alleged fact. I do not wish to be drawn into a discussion of the Alaskan boundary question. Certain wording of the treaty of cession, whereby the Territory of Alaska was ceded to the United States, was considered ambiguous and uncertain. The contention of the British Government did not agree with the claims of the United States. The country suddenly settled up along the disputed line of demarcation between the territory of the United States and the territory of Great Britain. For the purpose of avoiding bloodshed and unnecessary conflict between citizens of the respective Governments, the President, not making a treaty, but by commission, arranged a modus vivendi or temporary contract, not to be binding upon either party when the final adjustment should obtain. That is all there is to the Alaskan boundary matter as it at present stands. The Senator from Indiana [Mr. FAIRBANKS] is familiar with the conditions of that temporary arrangement. It does not constitute the surrender of the sovereignty of the United States permanently over a foot of that territory. It is one course of proceeding that has obtained under like conditions very frequently heretofore.

Mr. WELLINGTON. Will the Senator yield for just one moment?

Mr. CARTER. Certainly, with the permission of the Senator from South Dakota, who seems to have disappeared.

Mr. WELLINGTON. Is it not true that Alaska was purchased from Russia and that our title was Russia's title? And is it not

further true that the line of demarcation between Russian Alaska and the British possessions was marked by stones at different points that had been there for over half a century and perhaps over a century? And yet notwithstanding that the Administration has surrendered this territory which belonged to Russia beyond dispute and became American territory by the cession of Alaska to this country. It surrendered that territory under the modus vivendi, and the British have taken possession of it and are to-day controlling it by British constabulary. That is the fact. And American citizens have been deprived of American rights there.

Now, then, if the President should be impeached for surrendering in the Philippines American rights that never existed, then, sir, I contend that he is liable to the same impeachment for surrendering American territory that belonged to us beyond dispute. You say it has not been finally done. Why have the British taken possession? They hold it to-day; and I venture to say that unless there is a revolution or an uprising of sentiment in this country they will never return it to America.

Mr. CARTER. Will the Senator now permit me to ask him a question?

Mr. WELLINGTON. Certainly.

Mr. CARTER. If I, for the purposes of the argument, admit his premise, to wit, if the President has surrendered some of our territory to Great Britain, does he approve of that act?

Mr. WELLINGTON. I do not.

Mr. CARTER. If he does not approve of the surrender of territory in Alaska by the President, would he approve of the surrender of territory in the Philippines by the President?

Mr. WELLINGTON. It is quite a different matter entirely, because I happen to know that it was not the intention of the Administration under the treaty of Paris to acquire permanently the Philippine Islands, and I do not think that treaty was adopted with that intention. I do not think that the Philippine territory can be compared to the Alaskan difficulty. I think it is quite another matter.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Wisconsin?

Mr. CARTER. The Senator from South Dakota is entitled to the floor.

Mr. PETTIGREW. I have yielded the floor.

Mr. SPOONER. Will the Senator from South Dakota and the Senator from Montana and the Senator from Maryland permit me to ask the Senator from Maryland a question?

Mr. CARTER. We all yield to the Senator from Wisconsin.

Mr. PETTIGREW. I have yielded the floor.

Mr. SPOONER. The Senator speaks of the intention of the Administration in the acquisition of the Philippines. Is it the Senator's understanding that the Administration or Congress disposes of territory of the United States when once acquired?

Mr. WELLINGTON. The Senator's understanding would be that Congress would control it, but the Senator's understanding is that Congress has done nothing toward controlling it, and that the Executive power has controlled that territory from the time it was acquired.

Mr. SPOONER. No; but the Senator spoke about the intention of the Administration, as I understand it, as to whether the ownership of the Philippines should be temporary or permanent.

Mr. WELLINGTON. Yes, sir.

Mr. SPOONER. My question to the Senator is this: Whether it is his notion that the Administration can determine the duration of the tenure, under the treaty, of territory acquired by the United States. Is not that solely for Congress to determine?

Mr. WELLINGTON. Has it not resolved itself of late to the simple question of what the Executive wants? Does he not seem to have the power of controlling action, or really of not permitting action in the Senate of the United States?

Mr. SPOONER. In what respect?

Mr. WELLINGTON. Have you been able to have a declaration of what is the intention of Congress or of the President with respect to the Philippines?

Mr. SPOONER. The Congress would not undertake probably to declare the intention of the President, any more than the President would undertake to declare the intention of Congress. Congress can manifest its intention only by its legislative action under the Constitution, and the President's intention is confined to executive acts which under the Constitution he has a right to perform. The President has notified Congress, not only in the message he sent over a year ago, but in his last message, of his purpose.

I stated my purpose, until the Congress shall have made the formal expression of its will—

That is for the Congress to do, and not the President—

to use the authority vested in me by the Constitution and the statutes to uphold the sovereignty of the United States in those distant islands as in all other places where our flag rightfully floats, placing, to that end, at the dis-

posal of the Army and Navy all the means which the liberality of the Congress and the people have provided.

Now, can the Senator conceive of a place—of a spot acquired by the United States under the treaty, belonging to the United States under the Constitution—in which it is not the duty of the President to enforce the sovereignty of the United States and to resist lawlessness against the United States or its sovereignty?

Mr. WELLINGTON. Does the Senator pretend to say that the Philippines now are and have been fully acquired?

Mr. SPOONER. I have said nothing of the kind, except to this extent, that in my judgment the Philippine Archipelago belongs to the United States.

Mr. WELLINGTON. There is where we differ—right at that point. I do not believe that it does belong to the United States for purposes of permanent acquisition.

Mr. SPOONER. Did the Senator vote to pay for it \$20,000,000?

Mr. WELLINGTON. Yes, the Senator voted to do that; but he voted under a misapprehension and under misinformation by the Administration itself.

Mr. SPOONER. Mr. President, the Senator ought not to be governed in his vote to appropriate money by his understanding of what the President means to do. The Senator ought to have known, and undoubtedly did know, that the Government, by the ratification of the treaty, followed by the exchange of ratifications, acquired the territory, and the Senator voted for the appropriation, which the treaty provided, of \$20,000,000 to be paid to Spain.

Mr. PETTIGREW. How did we get title?

Mr. SPOONER. By cession.

Mr. CARTER. Precisely as in the case of Alaska from Russia.

Mr. WELLINGTON. There is the trouble; we have not possession. You are now asking for 76,000 men to help you gain possession. You have not possession of those islands, and you can not get it even with the increase of the Army that you now propose.

Mr. CARTER. Somebody must be in possession of the Philippine Islands, and the United States comes a little nearer being in possession than any other Government of which I have any knowledge.

Mr. PETTIGREW. Not much.

Mr. CARTER. The digression with reference to the Alaskan matter ought not to divert our attention from the purposes of this bill. As suggested, the provision relative to Alaska was entirely temporary. But the Senator from Maryland readily concedes that if the President happens to be, as he asserts, derelict in duty with reference to the Alaskan Territory, then and in that event the President ought to be arraigned for his failure to execute the law and to protect the property of the United States. If that be true with reference to Alaska, it is pertinent to inquire wherein the Philippine situation differs from the Territory of Alaska. Alaska was ceded by Russia to the United States by a treaty of cession. The amount to be paid was stipulated in the treaty. The Senate in the first instance ratified the treaty and thereafter the two Houses of Congress appropriated the necessary money to make payment in conformity with its terms. In the Philippine situation Spain ceded sovereignty to the United States over the Philippine Archipelago. The Senate of the United States ratified the treaty of cession. Thereafter both Houses of Congress united in making an appropriation to make payment of the amount stipulated in the treaty as the purchase price. I can not perceive any difference in these two matters in principle or in fact.

Further answering the Senator, I say that the manifest purpose of the Administration must be drawn from the obligations of the Administration and its action under its obligation. There has not been a time since the moment that treaty was ratified and sovereignty obtained when it was not the duty of the President of the United States to maintain the sovereignty thus ceded and acquired.

Mr. SPOONER. Will the Senator allow me? For what other purpose did we give him the army which is now there?

Mr. CARTER. I can not conceive what we made the large appropriation for in support of the Army and the Navy. It was known to Congress full well that a large portion of the fleet of gunboats and cruisers and battle ships were in Asiatic waters patrolling the seas round about the Philippine Islands, assisting in regulating intercourse between the islands and in preventing goods contraband of war from entering upon those islands or being shipped there. It was known that transports were engaged day in and day out, week in and week out, in shipping supplies and troops to sustain and reenforce the army in the Philippines.

In the face of this knowledge, known of all men, Congress has without hesitation made the necessary appropriations to maintain sovereignty, keep the Army in its place, and keep the Navy supplied in those waters. This was the plain duty of the President, and his action in performing the duty has been ratified by Congress in the most clear and explicit manner. What, then, I pray, becomes of the question, What is the intention of the Administration? The intention of the Administration is to protect the property of the United States, to execute the laws of the United States,

and to spend the money provided by Congress in the common defense and for the protection of the property of the United States.

Mr. TELLER. Mr. President, it seems to me that there are two phases of this proposition. One is, Are we to have an Army of 100,000 men in time of peace? The other is, How many men do we need now in this temporary force that we supposed we had? It seems to me we might discuss these questions without dragging in all the outside questions.

What I complain of with respect to the committee is that they come here with a bill that is not to meet the present exigency. It is a system to be put upon the people of the United States that will last probably as long as the Government lasts. Especially is that true if we need the Army for the reason suggested yesterday by the chairman, a reason he gave that has no possible connection with the present difficulty in the Philippine Islands.

It is possible that our condition in the Asiatic seas is such that we will always want a great army there. If it is, the committee should have come here and presented the case to us upon that theory. On the contrary, the profession from everybody is that the condition over there is temporary and will be disposed of in a short time. We hope so, at least.

The Senator from Montana [Mr. CARTER] gets into heroics and becomes excited and charges that somebody wants the President of the United States to do that which he says he can not do without being liable to impeachment. Nobody asked that the President of the United States withdraw the Army from the Philippine Islands. Every proposition to give him power to put down what you call the rebellion has met with the approval of Congress. When we speak of the Administration, for myself, I do not speak of the President. I understand the Administration of this country consists at the present time of Congress—the Senate and the House—and the Executive. The Administration is now, I think unfortunately for the country, in the hands of the Republican party. When we speak of the policy of the Republican Administration we speak of the policy of the two Houses of Congress and the President. We have a right to ask before we pass this bill what is the policy of the Administration, not the President, but the Senate, as dominated and controlled by the Republicans, the House of Representatives, as dominated and controlled by the Republican majority, and the Executive. What is to be the policy? Are you to attempt to maintain a government there without the consent of those people? If you are, you need not talk about 100,000 men. You will want 200,000 men. You will want them for one hundred years, I fear, if their future shall be in consonance with their history.

Mr. President, we are told that we have 76,000 soldiers there now. I think that perhaps is exaggerated. We have not so many. Some have gone to China. But we have probably not less than 65,000 or 70,000 soldiers there now, and we do not maintain there now the peace and order that we are talking about. Not long since a Regular Army officer returning from there—I think about six months ago—said to me that 200,000 men will be required there. The Senator from New Jersey [Mr. SEWELL] says we have 420 stations or posts. If we put 200 men at a post—and surely no one would expect us to put less than that number—you will need 90,000 men; and if you put 300, which would be a small force, you would need more men than you provide for the whole Army. This bill is not to meet an emergency, the existing condition over there. It is to put upon this country an army, a perpetual army, of 98,000 men and over.

I think when you come to discuss the question here you ought to discuss it fairly, without the usual attributes of a political campaign. Let us be frank. The Senator from Montana says and the chairman says that we are not increasing the Army. Technically that may be true, but everybody knows that it is not true in the ordinary sense. You are increasing the Army. Your present Army is a temporary Army of 100,000 men. It expires by force of law in a few months. I want to challenge now what was said here yesterday by the chairman, that the party in power was compelled to limit the existence of this Army until the 1st of July. You were given carte blanche. You were told on this floor that any number and for any time you wanted you could have; and you know it. If you had said you wanted them for five years, you could have had it. You can have it now. You can pass a bill here within forty-eight hours for this emergency that will give you a hundred or a hundred and twenty-five or two hundred thousand men, and you may keep them as long as the war there lasts. You are making a pretense of the condition there to put upon the people of this country 100,000 men when peace shall come, if peace ever comes over there.

I believe that this question is big enough and we are concerned in it enough to have a fair debate upon it. We ought to have had a report from the committee that proposes such a radical departure from what has been the policy of this country since its organization. We have not got it. It is not here. Look at it, Mr. President. What is the great question in this report? The canteen question. Whether we shall sell beer to the soldiers of our

Army or whether we shall not. The chairman tells us he has the evidence taken before his committee. Here [exhibiting] is the evidence, and, so far as I know, it is all there is of it. It deals not at all with the question, What shall be the strength of the Army? It deals with the canteen question and the reorganization of the Army. It does not deal with the greater question whether we are to add \$75,000,000 a year for all time to the expense of the Army.

I think we are entitled to all the evidence which has not been reported to the Senate and has not been printed. I got, by the courtesy of the clerk of the committee, a copy of the report of the hearings, and to me, as a civilian, it is of little value.

Mr. HAWLEY. Will the Senator allow me?

Mr. TELLER. Certainly.

Mr. HAWLEY. We are limited in printing for the use of the committee, I believe, to 50 copies. We begged for some more and got them printed, perhaps in disobedience to orders, and now we have passed a resolution for 15,000.

Mr. TELLER. That is true; but if the 15,000 are to be of value, they should have been here now. We are to pass upon this question which is to cost this country millions and hundreds of millions of dollars, and, what is of more consequence, Mr. President, is a departure from the policy of this country for one hundred years and more, in fact ever since it was a nation, that the fighting force of this people shall be the volunteer and not the regular.

Mr. President, our friends who are in control can not get away from the serious character of this undertaking by saying that there is a war in the Philippine Islands. The President says that for many years you will need probably from 45,000 to 60,000 men there. You have more than that number now, and you have not begun to get control of anything but an inconsiderable portion of those great islands.

I have not agreed with everybody who has been in fear of imperialism. I said two years ago last month in the Senate that there would not be any imperialism there, for the American people would not allow it. Since that I have seen in those islands an imperial government that has had no equal on the face of the earth, an imperial government that has not a counterpart anywhere under the heavens, an imperial government with five men, and five men only, strangers to the language, strangers to the country, unacquainted with the interests of the people, sitting there and administering government, taking the money of the people and appropriating it without their consent, ignoring the people entirely.

Mr. President, the Czar of Russia in an absolute czar. He has a counsel of 60 men who sit with him and consider public affairs, but the 60 men are Russians. They are people of that country. They have their sympathies and their ambitions for Russia. These men in the Philippine Islands are strangers. Under the military law they have a right there undoubtedly, but under God's law, which is higher than that, they have no place there at all.

And so I take back what I said two years ago. Imperialism has come; it is there in its worst form, and what I want to know, like the Senator from Maryland [Mr. WELLINGTON], is, What are you going to do now? Are you going to keep up this imperialistic government? Are you going to continue to govern 12,000,000 people contrary to their wish, without a voice, without being heard, when your chief actor over there, General MacArthur, tells you that the people are a unit against this administration, when every Filipino in Europe to-day, and there are thousands of them, is against our government over there?

I say to the gentlemen who are so ready to charge us with a desire to withdraw the Army and dishonor the flag that it does not involve that when we demand that you give to those people a government of their own. General Otis said to the President of the United States: "These people want conditional independence." There has never been a proposition from any Filipino authority anywhere that we should withdraw our Army and leave them unprotected. They have said: "We want your protection; we want you to keep the rest of the world off of us." Is that inconsistent with giving them a government of their own?

What did we say we would do for Cuba? We said we would leave the people to govern that island. Does anybody suppose that we are going to leave them the prey of any other nation? We will apply the Monroe doctrine to them. And what the Filipino asked was that we should apply the Monroe doctrine to them over there in the Asiatic Sea. That is what we ought to have given them. That is what I, on this floor, said two years ago last month we were in honor bound before the world to give them. When we said what we said with reference to Cuba, we said practically to the world, "This is not a war of aggression; it is a war in the interest of liberty and of humanity and of good government." We said to all the world, "It is not a war of aggrandizement; it is not a war of acquisition; we are not going into it for a profit; we are going into it for the greatest good to those people."

How stand we to-day, Mr. President, with a war on our hands, and no effort made for two years nearly to compose it? Nearly

two years ago I said in this body it is not beneath the dignity of this great nation to call about our authority over there the leading men of that rebellion, if you choose so to call it, to confer with them and say to them, "We will give to you what we pledged the world we would give to Cuba." I repeat, we are in morals bound to give it to every man we took from under the Spanish flag after we made that declaration.

Now, Mr. President, that brings me back to the Army bill itself. I want to drop, for the time being, the Philippine question, because there is no reason why it should be connected with this measure. Then I want the chairman of this committee, or some Senator who defends the bill, to tell me what you want an Army of 100,000 men for in time of peace in the United States. Do you want it to meet foreign foes? If you do, you will want a million. Do you want to put down internecine struggles? They do not exist and they can not exist in our system of government. It is the State that must do that, and the Government only does it when the revolution gets too big for the State. Have not 30,000 men been enough for us in the past? Will some one here get up and tell us why we want this great Army? Will the distinguished Senator from Vermont [Mr. PROCTOR], who has been at the head of the War Department of this country, tell us what is the exigency that demands now that we should have 100,000 men? If he repeats it is for the Filipinos, I want to tell him that his Army is not big enough for that: but if he wants 200,000 men, with a limit as to time, he can get them.

Nobody wants to deprive the Administration of the power to put down that so-called rebellion if they have the ability to do so, but, Mr. President, I believe you can compose affairs in that country by a simple declaration, made in a proper manner by the House and the Senate and signed by the President, that you will apply the fourth resolution of the Cuban resolutions to them, as you have got to apply it to Cuba, whether you want to or whether you do not.

Mr. CAFFERY. Will the Senator from Colorado permit me to ask him a question?

Mr. TELLER. Certainly.

Mr. CAFFERY. If the House and Senate do not pass such a resolution as that suggested by the Senator, is he then in favor of continuing the war of subjection in the Philippines?

Mr. TELLER. I believe I should answer that as old Abraham Lincoln did. He said he did not believe in the Mexican war; he did not believe it was a righteous or a just war; and yet he voted, and was always ready to vote, as a member of Congress, for such forces as the Government insisted that it needed. So as long as our flag flies there and the Administration of this country says it should remain there, I have no doubt, reluctant as I may be, I shall doubtless vote to maintain our armies in the field. If that is illogical, it is illogical because there does not seem to be any better way out of it.

Mr. President, I do not want to discuss the Philippine question very much. It is a distressing question. I said in December, 1898, the question whether we would hold them had passed the point of controversy. When Dewey's guns thundered in that harbor the Spanish flag went down and ours went up. Every man in this country knew that it meant the sovereignty of the United States, for the time being, at least, over those islands. I said two years ago, "The question is now, what are we going to do with those people." That is the question. Are we going to deny to them self-government? Are we going to continue this absolutism? The word "imperialism" is not as broad as absolutism. You might have an imperial government and have some degree of participation and liberty, but you have an absolute government, with five men sitting there, providing legislation, judicial determination, executive acts, with no responsibility to the 12,000,000 people whom they are governing. The President of the United States has said we need not be afraid of imperialism; that it would not come. Mr. President, if it can ever come in a worse shape than it exists now, you have got to increase the ability of the human mind for absolutism.

Mr. President, I did not intend when I got up to discuss the bill in its details. I am going to do that later. I got up simply to say that I wanted a Senator like the Senator from Montana [Mr. CARTER] to understand that he can not darken counsel by charging that we want to do what we have never proposed to do, and he can not darken counsel here by insisting that this is an attack upon the President of the United States. If it is an attack upon anybody, it is an attack upon the administration of the Government, not on any individual member, but on the responsible power.

I hope the time has not come when a Senator in this body will not be free to speak on a question involving so much: when, on a question touching directly the interest of 12,000,000 people and indirectly touching the interest of 80,000,000 more, he will not be allowed to discuss here these questions, not in the character of the political forum, but in accordance with the high character which ought to prevail in the discussions in the Senate.

I have not attempted at any time to make political capital out

of this unfortunate condition. I regret the condition more than anything that has occurred since I have been in public life. Nothing can compare with it in seriousness except the great rebellion of 1861, and with that came some advantages. With that came a condition that put the whole people of the United States on a harmonious plane and made us homogeneous in interest; but out of this nothing can come that is good.

Trade can never come to us in the condition that we are now in. Shooting those men, outraging them, can never bring them in a relation to us where their trade will be beneficial to us. But if their trade was worth all the trade of the world, it would not compensate for what we are likely to suffer and what we are likely to bear by this misconduct, if we persist in maintaining an absolute government there.

If it shall be said that it is a temporary government there, I beg of some man to tell me what hope I can have or what hope any Filipino can have that it is temporary. It may be that you will enlarge it; it may be that you will put the power in more hands; but it will be absolute power still.

Have the Administration done a thing, have they said anything, that will lead the Filipino to believe that with the cessation of war there will come to him a participation in the Government under which he is to live? We, a people professing to believe not in American liberty, but in universal liberty, liberty that reaches the white man and the black man and the brown man alike—how can we stand before the world and in substance say we are lovers of liberty, but it is for us and for us alone? Who will believe that we are liberty loving, and what will become of that beacon light of ours that has stood for a hundred years encouraging the aspirations of patriots and liberty-loving men throughout the world when we deny to that 12,000,000 men who, whether by the providence of God, as is sometimes said, or by the valor of our arms, have come under our dominion participation in the Government under which they live, when we deny to them the right of self-government?

It will not do, Mr. President, to say that those people are incapable of self-government, for they are not. I assert what I know to be a fact, that in every community in the island of Luzon, outside of the immediate neighborhood of Manila, to-day municipal governments are being conducted by the natives of that island independent of any control by the United States authorities, and they are maintaining a decent local government there. Every town has its mayor and its council and its constabulary, and if it has not a general head, it has at least such a government there to-day as can afford and does afford protection to the people of those islands.

I do not know what would happen if we withdrew our Army. I should be afraid to try it. But I do know, or at least I believe, that we can make an arrangement with those people by which we can practically withdraw our Army and establish relations with them that shall maintain peace and order in all that country, and that is what I want to see done.

Mr. HAWLEY. That is exactly what we are trying to do.

Mr. TELLER. The Senator from Connecticut says that is what we are trying to do. Mr. President, there are various ways of doing various things. Yesterday the Senator from Connecticut told us what they have done over there. I want to read it. I did not intend to do so, but I will read it since the Senator has made that statement. I want to show what the Senator thinks. Those men have aspirations for liberty. Whatever may be the feeling of some men—and there are some men who believe as old Cicero did, that preservation of property and individual life is greater than liberty—there has been at all times in the history of the world a class of people who believed that liberty was preferable to all else, and were willing to die in trying to get it. Such people are not answered by saying, We have given you schools, we have given you telegraphs, we have given you this and we have given you the other thing.

What they say is, Give us liberty and we will get those things ourselves. The man who understands true liberty knows that it is a gift of God. He does not get it from any man living nor from any nation; it is his; it belongs to him. Here we are told by the chairman of our committee:

We have gone to work with the arts of peace to see if we can not win, if not affection, respect and obedience from those people. We are building them wagon roads and railroads.

Oh, Mr. President, they have been crying for bread, and we give them a stone!

We are covering the islands with telegraphs, so that MacArthur, in his headquarters at Manila, can communicate with every post he has.

Oh, how gratifying that must be, how encouraging to the aspirant for liberty, that the head of our great army, such an army as they never saw or heard of, can communicate with every branch of it everywhere! Oh, how likely that is to bring them into obedience and love! An obedient and loving relation with us will never be secured by simply showing our strength. We must show our justice. We must show that we are in favor of doing the right thing with them.

Mr. WELLINGTON. Will the Senator from Colorado allow me a moment?

Mr. TELLER. Certainly.

Mr. WELLINGTON. I should like to know whether, in the judgment of the Senator, we have any right to demand obedience from the Filipinos?

Mr. TELLER. That is a question which I do not care to discuss. We have demanded it; the nation is demanding it now. It is demanding it at the point of the bayonet, with shot and shell. We have not been fortunate; we are not securing it. We never will secure it, in my judgment, in that way. The question is whether we will not turn our attention to other and different methods. Good roads and telegraphs have not brought them in a loving relation with us. Neither has the surgical and medical care that the Senator says we have given them. That has not done so, either. Mr. President, why? It is simply that their aspiration is above that. They fought for liberty against the Spaniards; they are fighting against us for it now. It is possible and probable that we would give them a government better than they ever had, and possibly better than they ever will have, but they assert their right to govern themselves, which is the fundamental and underlying principle of every republic, and who can stand here or anywhere else and not have admiration for the man who is ambitious for liberty and freedom, and goes out and takes his life in his hands in order to secure it?

Mr. President, when I say that, I expect some one will get up and say that I am a traitor because I do not wish that every Filipino may be shot down and killed. I have read the remarkable record that comes to us daily of the slaughter of our own men by the bullets, by sickness, and the death of the insurgents, as they are called, at our hands. It has never gratified my heart to know that if we lost ten they lost one hundred. Those are the men under our control. No matter what our relations to them may be, or what their relation as a people may be to us, we are under obligations morally and legally to protect them as far as in our power lies. If they misunderstand us, and if they believe that we are going to do what we could hardly do, although nobody can wonder that they believe it when they see this autocratic and absolute power over there, we might without lowering our dignity, without dishonoring our flag, say to them, "Come here and commune with us, and we will agree with you that you may establish a government there of your own, and we will respect your authority there, so far as your local affairs are concerned."

Mr. President, I predict here now that that must come. There is no other way out of it. You can not maintain a great army there for any considerable length of time. In the first place, you must move your army every eight or nine months from that climate to some other. We have left them there too long.

Mr. CARTER. Will the Senator yield for a moment?

Mr. TELLER. In a moment. We have left them there too long. They are coming back here by the scores invalided. There never has been an army that we have ever assembled that in proportion to its strength has in the time that has elapsed made so many demands upon the Pension Department as those are now making. You may take it that the great mass of them come back not as hale, healthy men, but as sick and diseased, and there are many cases of death. Now I will hear what the Senator from Montana has to say.

Mr. CARTER. I understand the Senator's contention to be that we should extend to the Philippine Islanders the same proposition relative to independence that was incorporated in the Cuban resolution. I desire to ask the Senator if, in his judgment, the President of the United States has authority to extend any such principle to the Filipinos.

Mr. TELLER. I have not attempted to say that the President had. I am arraigning the Administration. I am arraigning the Senator from Montana and his associates in this body and the House of Representatives because they have had the power, and they know we have not got it on our side.

Mr. CARTER. Now, Mr. President—

Mr. TELLER. I want to answer the Senator.

Mr. CARTER. I desire to have the Senator, if he will, distinctly state where, in his judgment, the authority rests in this Government to say to the Filipinos that they shall be respected hereafter as an independent people by the United States.

Mr. TELLER. If I were President of the United States, I should say it rested with me to the extent that I would say to them: "The Government of the United States, in 1898, declared this principle, which is the principle applied to Cuba, and that must apply and ought to apply to you."

The Senator seems to think that this is something new now which I have suggested. I want to call his attention to the words I used on the 20th of December, 1898, two years ago last month. I then said:

Mr. President, I believe in the principle which was enunciated in the fourth clause of the joint resolution approved April 20, 1898—

"That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island, except for the

pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people."

The Senator knows very well that those were my views early on that question. I repeat now what I said two years ago:

That is a declaration solemnly made by the people of the United States when it was apparent to us all that we were going to war. We said to the world, "We are not going to war for conquest; we are going to war in the interest of freedom; we are going to war to relieve a people laboring under the plague of bad government; and when we have relieved them from this great burden and have secured peace in their borders, we are going to leave to them the management and control of their own affairs. But not until we have secured the pacification thereof are we to abandon them to their own efforts."

That in terms only applied to Cuba, but in principle it applied to every possession of ours acquired during this war.

I want to repeat, Mr. President, that I think we are in morals bound before the world to maintain that principle on every inch of ground that we took from Spain.

I said further:

If any Senator had suggested that in addition to Cuba there should be added the words "or any other possession we may acquire during this war," it would have met, as this joint resolution met, I believe the unanimous support of this body and of the other, and also of the President of the United States, as is suggested to me by the Senator from Massachusetts [Mr. HOAR]. These words would have been added to the joint resolution with the approval of all.

The Senator, if he had recalled that debate, might have remembered that before the treaty reached us, before we had ever seen a copy of it, that speech was made. I supported the treaty, and I supported it as vigorously as I knew how. I supported it because I did not believe that any Administration in this country would ever think of disregarding so just a principle as that; because I believed the doctrine that power comes from the people was ingrafted and ingrained into the great political party in power. It was when I was with it, and I knew that it was at its birth. That was the great contest we were making. I thought it was in the blood and in the heart of that party, and that no Republican Administration would dare ever to think of governing a people in any other way than by recognition of their right of self-government. I may have been, and I fear now I have been, mistaken, and yet I can not at this hour see why we should have returned the treaty to Spain, and said to Spain, "We will give freedom to these people," and invited Spain to take counsel with us whether or not we were righteously and properly doing it.

Mr. President, I may have been in error; I may have relied upon a broken reed or a crooked stick, but the record of the Republican party justified me in saying that no such government as exists there, military or otherwise, could ever exist. If any man had so predicted, I do not believe he would have found a defender on this side or the other side of the Chamber, for, while I know it was said that we ought to modify the treaty, yet nobody ever predicted so disgraceful a condition as exists there to-day.

We do not want 100,000 men for anything unless it be to fight the Filipinos, and if you want an army for that add to it, meet the question fairly. It is not enough. Though you have 76,000 men, you have not got control of any considerable portion of Luzon; you practically have no control of the great island that lies below it. Although you made a treaty with the Sultan of Sulu, you have not got any sovereignty in Sulu nor any authority other than you had before you made the treaty.

Mr. President, at some other time I am going to discuss this question of the increase of the Army, detached, distinct, and separate from this other question.

Mr. PROCTOR. Mr. President, I am sure the Senator from Colorado [Mr. TELLER], proverbially fair and candid, universally so I might say, has no intention to be otherwise to-day toward the Military Committee.

Mr. TELLER. None whatever.

Mr. PROCTOR. I think there is some misapprehension as to what this bill proposes to do. I wish to consider, in the first place, for a moment what it proposes to do with reference to the Army on a peace footing. Last winter the Senate passed—no one contradicting, as I recall it—a measure increasing the artillery. Our previous force had been about 29,000. The increase that we then proposed was quite as much or a trifle more than is now proposed by this bill.

Mr. HOAR. The Senator refers to the increase of the artillery?

Mr. PROCTOR. To the increase of the artillery alone. The question then was, What was the necessary increase of the artillery on a peace footing? The Philippine question was not considered. It was made clear that that increase was necessary to suitably care for our seacoast fortifications, a scheme which is perhaps two-thirds carried out, costing \$126,000,000 or thereabouts, of very expensive works along our seacoast. Nobody questions but what that increase was and is necessary.

The present bill proposes an increase of the Army on a peace footing of five regiments of artillery, practically the same as was provided for last winter, not quite so much, and—I deal only in round numbers—five regiments of cavalry and five regiments of infantry. That increase of artillery would have given the Army

about thirty-five or thirty-six thousand enlisted men. The present bill, at the minimum peace footing, gives a total of 54,000, the increase of cavalry and infantry amounting to from eighteen to twenty thousand men.

Mr. TELLER. How about the maximum? It is the minimum the Senator is speaking of.

Mr. PROCTOR. I shall get to that directly. I was very glad to hear the Senator say that he proposed to drop the Philippine question and to discuss the Army bill. So I propose to confine myself strictly to that and to existing conditions, and not to indulge in any theory about what we might do or what we ought to do with the Philippines.

Mr. TELLER. If the Senator will allow me to interrupt him long enough, I will say that I did not introduce this question. It was introduced by the Administration defenders here.

Mr. PROCTOR. Not by me.

Mr. TELLER. Perhaps not by the Senator himself, but by distinguished members of his political party.

Mr. TILLMAN. By the Military Committee.

Mr. PROCTOR. Let us consider what need we have of this increase aside from the artillery. I think all the members of the Senate are satisfied in regard to that. Now, as to this further increase of from eighteen to twenty thousand men. We have, as we have never had before, a use that certainly calls for all this increase on a peace footing. We have a regiment to-day on the Alaskan service, which has never been necessary before, and we do not know what day, in view of the great developments there, we may have to increase that force. Again, we must have some force in Hawaii, in Porto Rico, and possibly, if at their own request, in Cuba. I see they have suggested a proposal to us to that effect.

Now, take the condition in the Philippines. No man doubts that we must keep quite a force there for years to come. Even if we grant everything that could be asked for by the Senator from Colorado or any other Senator on this floor, we must keep a force there to protect them from themselves and to insure good, stable government.

In this service outside of this country three enlisted men count, at a very large estimate, not more than two for actual service. In Alaska, here on our own continent, we have two battalions of a regiment and another battalion here, and it is quite long enough in any of those possessions to keep a force on duty for two years, relieving one battalion each year. Everyone will admit that. So, take the figures, and you will see that the increase on a peace footing is very moderate and conservative. These figures have been stated at 58,000. If Senators will look on the slip which has been furnished them, they will see it is but 54,000 of enlisted men. The number 58,000 includes officers. It was less than 58,000 including the officers. It is only 54,000, a reduction of 5,000 from the bill as it came to us from the other House. So much for the moderation of the Senate Committee on Military Affairs.

Mr. CAFFERY. I wish to ask the Senator if that is the maximum to which the Army can be raised?

Mr. PROCTOR. I am speaking about the minimum. I think the Senate must admit that with less than 20,000 troops to care for all our outside possessions even in time of peace, knowing that not more than probably 12,000 would be available for actual service at any one time outside of the country, this is a very moderate increase.

Now, to meet the exigency, it must be admitted by all that it is much better that that should be met by the regular organization. The expense of a volunteer organization is a mistake which should not be repeated. I think the bill is sufficiently guarded to confine this increase to the present exigency. If it is not, I am entirely willing that it should be. I do not believe that any Administration would take the responsibility of maintaining this Army at the maximum, or anything above the minimum, unless the exigency existed.

Mr. MALLORY. Will the Senator from Vermont allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Florida?

Mr. PROCTOR. Certainly.

Mr. MALLORY. I should like to inquire if the bill contemplates having the same number of officers for the Army at the minimum that it will have for the Army at its maximum figure?

Mr. PROCTOR. Precisely the same. The addition above the minimum of 54,000 would be entirely of enlisted men. The Army, as is well known, is underofficered at the best.

Mr. MALLORY. Then, in time of peace, or on the reduced basis, you would have the same number of officers in the Army as are necessary for an army of 100,000?

Mr. PROCTOR. It would have the same number, except as is provided in the bill for some temporary increase. The permanent organization would be the same.

Mr. JONES of Arkansas. The Senator has just stated that this bill would only provide for this larger number of men during the

present exigency. Newly numbered section 26, on page 37 of the bill, is as follows:

Sec. 26. That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service, or until such time as Congress may hereafter direct.

If I understand the Senator, he thinks that this would be limited to the present exigencies of the service. If so, I should like to ask if, in his opinion, the Committee on Military Affairs would not strike out the other words "or until such time as Congress may hereafter direct," so as to limit this maximum size of the Army absolutely to the present exigency?

Mr. PROCTOR. I will answer the Senator, for one, that the addition there, I think, only means to state what everyone knows to be the fact, that Congress always has the right to reduce the Army. I think it is a provision in the line of reduction rather than a renewal of the increase. I for one would be willing to have that modified so that it should read, "unless Congress may hereafter otherwise direct."

Mr. JONES of Arkansas. I think that would be an improvement. Of course we all know that Congress has the power to reduce the Army or to abolish it whenever it sees fit to do so. But this is an expression of intention which, it seems to me, will be hereafter used, and the argument will be made that while we said we were going to limit this large army to the exigencies, we provided that this should continue until such time as Congress should act to the contrary; and the argument could be made, and would be made, that the maximum ought to be maintained until Congress said it should not be maintained.

Mr. PROCTOR. If the wording had been that it was to be continued "while the exigency existed" and "until Congress should otherwise direct," I should understand it as the Senator does, but I think the word "or" is a limitation rather than an extension of authority.

Mr. JONES of Arkansas. I think exactly the reverse.

Mr. PROCTOR. I wish to say I think it was the purpose of the Administration in submitting that, so far as I know it—I have had no confidential consultation on the subject—to limit the increase to the existing exigency, and nothing else was suggested in committee.

Mr. TELLER. I should like to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Colorado?

Mr. PROCTOR. Yes.

Mr. TELLER. I wish to ask the Senator if the words "or until such time as Congress may hereafter direct" were stricken out, would not the President be compelled to return to the minimum as soon as the exigency ceased?

Mr. PROCTOR. I think he would, clearly.

Mr. TELLER. Then, clearly it is intended to go beyond that.

Mr. PROCTOR. I do not think that follows.

Mr. TELLER. Then, why not have that stricken out? Will the Senator agree to have that stricken out?

Mr. PROCTOR. I have stated that I would not object to have it stricken out or modified.

Mr. TELLER. Oh, but the modification the Senator proposes is to make it stronger for his side.

Mr. PROCTOR. I do not so understand it.

Mr. TELLER. I do.

Mr. BACON. I want to suggest that a modification of that section would not accomplish the purpose so long as the power granted in the second section remains unamended or unchanged. On page 12, beginning at line 17, it will be seen that there is an independent authorization to the President to increase to the maximum in his discretion. So that the striking out of the words as suggested, or any modification or any amendment at that point, unless they expressly negative the power granted in the second section, would not accomplish the object, because there is express authority given to the President; and I will read it. After going on to provide what shall be the composition of each company, regiment, etc., on line 17, page 12, the bill says:

Provided, That the President, in his discretion, may increase the number of corporals in any troop of cavalry to 8, and the number of privates to 76, but the total number of enlisted men authorized for the whole Army shall not at any time be exceeded.

I understand there is a similar proviso as to other branches of the service, so that there is an express authorization, independent of the clause of section 26, to the President to increase each branch of the service up to the maximum.

If the Senator from Vermont, as a member of the Military Committee, can carry out the suggestion which has been made, it will very largely remove the objections which many of us have to this bill, because, as I took occasion to say on yesterday, our opposition is not—at least, I speak for myself, and I believe in saying that I reflect the sentiments of others—to the fact that a necessary force is put at the disposition of the President for the present requirements in the Philippines, but to the fact that thereafter this large standing army remains, and that thereafter there remains

the vicious principle in the bill which enables the President to determine whether the Army shall be an army of 58,000 or an army of 100,000 men.

Mr. PROCTOR. The Senator will see that the clauses he refers to are plainly controlled by section 26:

That the President is authorized to maintain the enlisted force of the several organizations of the Army.

The clauses to which the Senator has referred are the special ones for the different organizations. He will see that this general clause plainly controls:

SEC. 26. That the President is authorized to maintain the enlisted force of the several organizations of the Army at their maximum strength as fixed by this act during the present exigencies of the service, or until such time as Congress may hereafter direct.

Mr. BACON. If the Senator and those who are acting with him in this matter agree with the general proposition that it is the design that this bill shall be so framed as to carry out the suggestion made by the Senator from Arkansas [Mr. JONES] and the Senator from Colorado [Mr. TELLER], then it is a mere matter of detail as to what particular language shall be used to effect this object. If it is the purpose to so frame this bill that the increased number shall remain as the number of the Army only during the emergency, then it is a very simple matter to frame the bill in such a way as to put it beyond doubt to accomplish that end. It may be that the Senator is correct in his present interpretation, but the great point is to ascertain if that is the purpose, and, if that is the purpose, I repeat it is a mere matter of detail as to what language shall be used to effect it.

Mr. CULBERSON. I should like to ask the Senator a question.

Mr. PROCTOR. If the Senator will allow me first to answer the Senator from Georgia for a moment, I will then yield to him.

Mr. CULBERSON. Very well.

Mr. PROCTOR. I wish to say distinctly that I have no authority to speak for the committee. That was a point that was not brought before us, and I shall say nothing to commit any one of the committee until that question can come before us, as it possibly will.

I say it did not occur to me at all but that the purpose of the bill was to confine this maximum increase to the present exigency. Further than that I have no authority to speak for the committee; I do not wish to be understood as assuming any, and I wish to keep myself free to act on the matter as may seem best when it comes before the committee in due form, as it will, no doubt, before this bill is passed.

I now yield to the Senator from Texas.

Mr. CULBERSON. Before asking a question of the Senator from Vermont, I desire to read an extract from the letter of the present President of the United States accepting the nomination for the Presidency. In that document he uses this language:

Would our opponents surrender to the insurgents, abandon our sovereignty, or cede it to them? If that be not their purpose, then it should be promptly disclaimed, for only evil can result from the hopes raised by our opponents in the minds of the Filipinos; that with their success at the polls in November there will be a withdrawal of our Army and of American sovereignty over the archipelago, the complete independence of the Tagalog people recognized, and the powers of government over all the peoples of the archipelago conferred upon the Tagalog leaders.

The effect of a belief in the minds of the insurgents that this will be done has already prolonged the rebellion and increases the necessity for the continuance of a large army. It is now delaying full peace in the archipelago and the establishment of civil governments, and has influenced many of the insurgents against accepting the liberal terms of amnesty offered by General MacArthur under my direction. But for these false hopes a considerable reduction could have been had in our military establishment in the Philippines and the realization of a stable government would be already at hand.

Now, I desire to ask the Senator from Vermont why it is not possible to reduce rather than increase the Army in the Philippines, inasmuch as the election is now over and has gone in accordance with the President's suggestion in his letter of acceptance?

Mr. PROCTOR. Mr. President, that is not the question that I am discussing. [Laughter.] I do not propose to discuss the political situation in the Philippines. I stated that the exigency there was certainly sufficient, and would be even if everything that the Senator foreshadows as possible should occur; even when that happy condition shall be brought about the situation will be such as to demand the full peace footing, and I do not believe this Administration or any other will continue the Army beyond that. No Administration would dare to assume that responsibility any longer than the actual exigency exists. It exists there to-day, and every day's delay may cost us many lives.

I appeal to Senators to consider the situation that actually exists, the facts of the case, and act promptly upon this bill.

Mr. MONEY. Before the Senator takes his seat, I should like to ask him a question.

Mr. PROCTOR. Certainly.

Mr. MONEY. I wanted to ask the Senator a question before he took his seat. In the first place, admitting, for the sake of the argument only, the truth of all he has stated as to the situation and the necessity for an increase in the Army, I wish to ask him

if it would not be quite sufficient to insert here "for the term of two years, unless the decrease is otherwise directed by Congress or is exercised by the President at his discretion?" The point of that is this: It is the observation in all countries that have constitutional governments that it is very much easier to increase the army than to decrease it, and heretofore it has been sufficient for any exigency to supply for a term of two years an increased force. Why would it not be sufficient in this contingency as well as in the others, that is, admitting all the necessity for the increase which the Senator has urged or that has been urged by this committee so far?

It has been the usual thing to do, and the honorable Senator and his committee, distinguished committee as it is, are aware of the fact that the British people are so jealous of this matter that they never allow it for longer than two years at a time. They hold in their own hands the power to dissipate the whole fabric which they have themselves put together if they think it wise. In view of that fact and the sufficiency heretofore of a limited period of time, I should like to ask him if an amendment to that effect would be acceptable to the committee and himself?

Mr. PROCTOR. Such a proposition would be unwise indeed. It is just the trouble we are laboring under now. We made this increase limited in time, and called out volunteers limited to next summer—June 30. It is just the trouble now. We have our work to do over again. Those volunteers were sent over there at tremendous expense and must be brought back, and of course they were nowhere near so efficient as regulars, for the reason that their organization was new. The men were just as good, but there was not time to make them soldiers. They could not have the officers to teach them how to care for themselves. It is just the mistake we made in the civil war. We enlisted men for thirty days, for three months, for one year, for two years, and found by sad experience that an enlistment that would last through the emergency was a necessity and an economy.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from South Carolina?

Mr. PROCTOR. Certainly.

Mr. TILLMAN. The Senator seems to ignore, in the position he has just assumed, that it is impossible for us, according to the experience of England in sending troops to the Tropics, to maintain any soldier there, with any regard for his life, any longer than, I will say, two years as the maximum, and that would be equivalent to a sentence of death to most of them. The question of replacing them will come up every two years, anyhow by re-enlistment, unless we have an army that we can swap back and forth every two years or eighteen months; and if we were to maintain 75,000 there, under those circumstances we would have to have 150,000 as a permanent establishment in order to swap back the troops from the Temperate Zone to the Tropics. You can not get rid of that idea.

Mr. MONEY. If the Senator will permit another idea, I suggest to the Senator that he provide this increased organization for three years, which is the regular term of enlistment in the Regular Army, and have it terminate at that time, to be renewed again if the political power of this Government sees fit that it shall be done. The Senator will recognize, as every Senator here will, the great difficulty that will be experienced in reducing the Army. We all know the "pull," as it is called, of gentlemen who hold positions in the Army of great honor and some profit, and the other difficulties. We know the difficulty with the great corporations, their influence brought to bear here, a thousand influences brought to bear in every possible direction to increase and continue the increase. I wish to ask him, in view of that fact, if an amendment to limit it to three years, which is the term of enlistment for the regular soldier in the Regular Army, would not answer the purpose and at the same time facilitate a good deal the passage of this bill?

Mr. PROCTOR. The Senator is entirely mistaken in regard to the difficulty of reducing the Army from the maximum to the minimum. There are no officers to be thrown out of places, as I have stated here. The organization is the same. It is only the number of enlisted men that is reduced. The soldiers are enlisted for three years, one-third of them going out every year, in addition to those who go out on account of sickness or by favor, so that in any year by the natural course of events the Army could be reduced to the minimum. There are no officers to be reduced.

Mr. MONEY. Ignoring that matter altogether, what about the other?

Mr. HOAR. Mr. President, what is the precise question?

The PRESIDENT pro tempore. There is a committee amendment which the Chair supposes is under consideration, although it has not been offered.

Mr. HOAR. I wish to offer an amendment. I will offer it now, to come in at the end of the bill, or I will give notice of it now, as the parliamentary situation may require.

The PRESIDENT pro tempore. The bill is in the Senate and

open to amendment, no consent having been given that the committee amendments be first acted upon.

Mr. HOAR. Then I offer an amendment to come in at the end of the bill.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment to come in at the end of the bill.

Mr. PETTIGREW. I desire the reading of the remainder of the report of the committee.

The PRESIDENT pro tempore. The Chair was not informed that it had not been completed.

Mr. PETTIGREW. It has not been completed.

The PRESIDENT pro tempore. The Secretary will conclude the reading of the report.

Mr. PETTIGREW. I wish to make some remarks in that connection. I do not intend to filibuster against this bill if the Administration or the Administration Senators will furnish us the information which justifies the increase of the Army to a hundred thousand. I am going to try to get that information by every means in my power, and if I can not get it there will be delay.

Mr. HOAR. Mr. President, perhaps, as I have the floor, awarded me by the Chair—I wish to speak only about six or eight minutes—

Mr. SPOONER. I should like to ask one question.

Mr. HOAR. I should like to complete what I have to say.

Mr. SPOONER. I was not aware that the Senator from Massachusetts was recognized. I merely desire to ask a question.

Mr. HOAR. I was recognized by the Chair, and sent up an amendment.

Mr. SPOONER. I merely wish to inquire whether the bill is in the Senate as in Committee of the Whole.

The PRESIDENT pro tempore. It is not. It is in the Senate. The Senator from Massachusetts offers an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following proviso:

Provided, That no further military force shall be used in the Philippine Islands, except such as may be necessary to keep order in places there now actually under the peaceable control of the United States and to protect persons or property to whom, in the judgment of the President, protection may be due from the United States, until the President shall have first proclaimed an amnesty for all political offenses committed against the United States in the Philippine Islands, and shall have, if in his power, agreed upon an armistice with persons now in hostility to the United States, and shall have invited such number, not less than 10, as he shall think desirable of the leaders or representatives of the persons now hostile to the United States there to come to the United States and state their wishes and the condition, character, and wishes of the people of the Philippine Islands to the Executive and Congress, and shall have offered to secure to them safe conduct to come, abide, and return, and shall have provided at the public charge for the expenses of their transportation both ways and their stay in this country for a reasonable and sufficient time for such purpose.

Mr. HOAR. Mr. President, if this were the common Army appropriation bill, such as we get every year in time of peace, I should deem it a great presumption on my part if I were to undertake to act against the judgment of the Executive, or of the experts of the War Department, or even of the Committee on Military Affairs who have reported it to the Senate. I do not know, as they do, how many soldiers we ought to have in time of peace. We have a vast coast line; we are the manufacturing, and are to be soon, I hope, the commercial rival of the world. The whole world to-day is at our doors. The great, black storm cloud which rose so suddenly in China, is as yet by no means scattered. No man knows how soon or how suddenly some great conflict may be upon us.

I had supposed that a reasonable number for the Regular Army in time of peace would be 1 soldier to every 1,000 of our population. This would make 77,000 men. I have thought also that there should be a skeleton of officers ready for the organization of a considerably larger force than this, so that if war should come upon us we should not have to repeat for the first year the mortifying experience which we have gone through in the past, where great and difficult duties had to be discharged by untrained men called suddenly into the service. This I understand from common report to be the opinion of the accomplished soldier now at the head of the Army.

So, if we had no question before us but that of a permanent military policy in time of peace, I should not vote against this bill if the experts thought there should be an army of 100,000 men merely because I myself thought it ought to be but 77,000.

But, Mr. President, the Constitution provides that no appropriation of money to the use of the Army shall be for a longer term than two years. There is no doubt that it was meant by this provision that the use to which the Army shall be put shall be wholly under the control of Congress. If we leave it to the Executive to carry on war, great or small, at his sole discretion, or to use permanently the great military power of the country for any purpose of coercion in any way, we shrink from a constitutional responsibility.

Now, the increase of the Army which is now proposed is asked

not as a general permanent pacific policy. It is put on a different ground—that this increased force is needed to carry on military operations in the Philippine Islands and to hold an unwilling people in the condition of enforced subjection purely by military power. To that policy and to that purpose I am utterly opposed; and being so opposed, it is my duty to say so—and it is the only opportunity I am likely to get—by voting against this bill.

The President in his last message says:

We will be required to keep a considerable force in the Philippine Islands for some time to come. From the best information obtainable we will need there for the immediate future from 45,000 to 60,000 men. * * * It must be apparent that we will require an army of about 60,000, and that during the present conditions in Cuba and the Philippines the President should have authority to increase the force to the present number of 100,000.

So the President thinks, if I understand him aright, that but for the present conditions in the Philippine Islands and Cuba 60,000 men are all we need—17,000 less than the estimate of the General of the Army.

We have therefore presented to Congress the distinct question whether we will raise 40,000 men for use in holding the Philippine Islands in subjection.

Let no man say that it is a question of supplies for the soldiers now engaged in a war lawfully declared by Congress. Congress never has acted in this matter. This is the first occasion where a distinct vote has been asked of the two Houses of Congress upon the question of reducing this unwilling people to subjection. The soldiers who are there now are to come home in accordance with the limitation of their enlistments.

The President has declared his purpose to keep order in those islands until Congress shall act. He has not in any official communication to us, that I can now remember, recommended that Congress continue a policy of subjugation. On the contrary, he expresses in his message the desire of—

insuring the benefits of liberty and good government to the Filipinos, in the interest of humanity, and with the aim of building up an enduring, self-supporting, and self-administering community in those far Eastern seas.

Mr. President, if those words mean to you what they mean to me, if they mean what the American people have always held them to mean throughout our past history, they express with the beauty, precision, and clearness which always characterized their author exactly what I think we ought to do. The Filipinos are entitled to "liberty and good government;" they are entitled to be "an enduring, self-supporting, and self-administering community." The United States, who set them free from Spain, is to insure liberty and self-government as it should, as it has done, is doing, and means to do in Cuba.

But liberty is inconsistent with a foreign yoke, is it not? Is there any Senator who will stand up here and say that the liberty of a country is consistent with a foreign yoke, or that when we insure liberty we should act like an insurance company which should itself set the insured premises on fire? That government is not self-administering whose executive, whose judiciary, whose legislative powers, whose relations to other countries, in war and in peace, whose trade, whose commerce, whose jurisprudence, are at the mercy of another and a foreign authority.

There can be no liberty, there can be no self-government, there can be in the end no political rights without independence. Our declaration of the principles of liberty, which for a hundred years has been to us as a political bible, is a declaration of independence. The dying words of John Adams, its great champion on the floor of Congress, were, "Independence forever." No man is a free man who is under guardianship, and no nation and no people are either free or independent or self-governing while they are under guardianship.

It is idle to tell us that this people is not fit for freedom. Our naval and military commanders themselves have more than once testified to the contrary. The President, in his message, says:

The Filipinos are a race quick to learn and to profit by knowledge. He would be rash who, with the teachings of contemporaneous history in view—

By which, of course, he means what has happened within the last two years—

would fix a limit to the degree of culture and advancement yet within the reach of these people if our duty toward them be faithfully performed.

I say, Amen! Our duty to them is just to let them advance. The way to teach them to swim is to let them swim. The way to teach them to be fit for liberty is to set them free. The way to help them to their advancement is to let them advance.

Mr. President, that man has learned very little of the lessons of history who has not understood that every race and every people and every condition of men must advance in its own way and can never advance in a way prescribed by another. The Indian—and we have made enormous mistakes in dealing with him—if he is ever to be anything, must develop into a consummate Indian. The negro must develop into the perfection of the negro, as Toussaint L'Ouverture did in San Domingo.

There was a French philosopher some years ago of whom I heard who undertook to raise frogs for the market, and he concluded

that the tail of the tadpole was a great obstruction to the perfection of the frog and that if he cut off all the tails the nutrition which was wasted on the tails would go into the frog's legs and make very good eating for the Parisian people.

Accordingly he got a large pond and filled it with tadpoles with all their tails cut off. But the benevolent assimilation did not work. The tadpoles died, the man was unable to keep his contract for the frog market, and he discovered that on the whole if he wanted to make good frogs of his tadpoles for the market or for any other purpose he had better let their nature work out in the tadpole way. [Laughter.] And the United States will be in regard to all these other races than ours a miserable failure until we learn to let nature and nature's God work out these problems of natural growth in foreign races in their own way, and not in the way of the Puritans of Massachusetts or even of the white men of South Carolina.

Mr. President, I have not risen at this time in this crowded session to debate this question before 90 gentlemen who, after hearing everything I can say, have deliberately taken their own course. I do not expect to make a convert, and I am too old a lawyer to waste my time in talking to the jury just after they have rendered a verdict. I do not expect to change your opinion, but I deem it a duty to myself to express my own.

There never has been, within my knowledge, a matter of such vast public concern in regard to which American people seem to be so utterly without accurate knowledge of the important facts as in respect to the war in the Philippines. I hold it absolutely incredible that if the facts were known there could be any considerable difference of opinion here or anywhere else in this country as to our duty.

Will any man stand up in the face of any American audience, will any Senator rise here in his seat and affirm that if the inhabitants of the Philippine Islands or any large number of them be a people in the sense in which we use that word, in which it is used in history, in the sense in which we use it in our great Declaration of Independence, if they desire independence and if they are fit for liberty, especially if they desire a republic and but for us could establish and maintain it—will any man, I say, rise and declare that we can rightfully use our vast power to crush them out, to subject them to our will, and justify or excuse our conduct by talking about oriental trade or military glory or by declaring that where the flag has once gone it must forever stay, right or wrong?

Gentlemen have been debating this question before the people and have in general left greater darkness about the matter than they found when they began. One gentleman tells the people that the Filipinos are a race of savages and unfit totally for self-government. But the President of the United States contradicts that. Admiral Dewey contradicts it. He says they are fitter for self-government than the Cubans.

Now, another gentleman tells us—it has been said on the floor of the Senate—that Aguinaldo, the Filipino leader, represents but a small portion of the inhabitants of the Philippine Islands, one race among many. General MacArthur, who is now in command there, says he thought so in the beginning, but that he has come reluctantly to change his mind, and he now thinks Aguinaldo represents that people, and that they are loyally devoted to him.

Now, what is the truth about that, gentlemen? Are they fit for self-government or are they not? Is Aguinaldo, as all his people say, a loyal patriot, and as President Schurman said, the head of the old commission, an honest and patriotic man, as the Senator from Colorado said on this floor, or is he a man who sold out liberty for a bribe? Who knows? Who knows?

Another gentleman tells us that Aguinaldo was never promised independence by the representatives of the United States, and that Admiral Dewey says Aguinaldo lies when he says he was. To which General Anderson, then in command of the military forces there, makes answer, twice repeated over his own signature, that he was present when Aguinaldo had his interview with Admiral Dewey, and that, although Dewey did not tell Aguinaldo so, he did.

We are told from another quarter that the people of the Philippine Islands are now almost wholly subdued, and that only a few outlaws and bandits and adventurers and criminal and unscrupulous persons are against us. But we are told by returning soldiers and officers, we are told by letters upon letters from the Philippine Islands, that we hold but a single railroad, over which a military patrol has to be sent before every train, and that there is not a place outside of Manila in the islands where an American officer dares to cross the street alone, unless heavily armed.

We are told in the President's message, as I read yesterday, that the opposition is substantially over. I read the exact words. And we are told from the Committee on Military Affairs, almost in the same breath, that the rebellion was never so hot and so powerful as it is to-day.

Now, which of these things is true? Who knows? It seems to me, Mr. President, that we ought to have now a commission made

up fairly of men of the highest character and standing, representing all parties and all shades of opinion, to ascertain the truth of the fact and make it known to Congress and to the American people.

Men of different ways of thinking should be appointed in whose declaration everybody on both sides of the question would put implicit and absolute confidence. I hope, if there be an opportunity and I see a chance for success, to try to get such a commission appointed before the present session is over. If not, I am afraid we are to have another season like the last. I have no fear that in the end the American people will not come to their senses on this subject and will not be found on the side of righteousness, justice, and liberty.

Why, the Senator from Colorado just now affirmed as a matter within his knowledge—of course, nobody understood him to mean within his ocular vision, but as asserting by evidence which he had the right to trust implicitly as he would trust his own senses—that they had still over a large part of those islands local government administered in peace and in order outside of the authority of the United States. Did I misunderstand that?

Mr. TELLER. May I interrupt the Senator?

Mr. HOAR. Certainly.

Mr. TELLER. I will say to the Senator and the Senate that I made that assertion on a statement made to me by a Regular Army officer, who had been practically all over the island of Luzon. So that is correct; there is not any question about it.

Mr. HOAR. That is what I understood the Senator, in substance. Now, Mr. President, how many people in the United States believe that, and are talking and voting on this question with the knowledge that that is the fact? Is it true or is it false? Are we reducing a race of Oriental savages to order, or are we crushing out at the beginning of this new century a people of ten or twelve million who have established and can maintain a republic, with law and peace and justice and education and schools and colleges and libraries? Which is the truth?

I should like to ask my friends on this side of the Chamber whether they think it is unreasonable, in the light of the history of the great Republican party, to have these questions settled before we go on to break to pieces this fabric of liberty which, whether fair or beautiful or not in our eyes, is the best fabric that the Oriental people have yet been able to design?

Mr. President, one thing will tend to throw light on this question more than any other, and that is to give a hearing before the people and Congress, as my amendment proposes, to the leaders of the Philippine people themselves.

Let them come over here and state their case. There is no authority under the American Constitution and laws which can hurt a hair of one of their heads. They can go in peace and, if they behave themselves, in honor from one end of this Republic of ours to the other; no man can do them harm. Let them come over here. Let us see them. Why, even Great Britain, in the times before the Revolution, received the agents of the American colonies before the Privy Council and at the bar of the House of Commons. She sent her commissioners over here in the middle of the war to confer with the Revolutionary leaders after the war had been in progress longer than it has gone on in the Philippine Islands, and it was we, and not they, that refused the interview.

I think Mabini and Lopez, whose dignified answer to a proposal to bring the Filipino youth over here and educate them in our schools we have just seen, and Aguinaldo himself might tell us something of the disposition of their people which could be of use to us, and could report when they went home something of the character and purposes of the United States, which might be well for both parties to know.

Mr. President, if we are to stand in this attitude to this people; if we are to say to them, "Go down on your knees, lay your hands on your lips, your lips in the dust, before we have anything to say to you," then, if the Filipinos be men and not beasts; if they, too, were created in the image of God; if the spark which is kindled in every other human bosom be in theirs also, this war is to go on until every Filipino is destroyed of one sex, and then, according to an utterance which we should think sublime if it had occurred in our own history, the women will take it up and it will keep on till they are exterminated also.

Mr. STEWART. Mr. President, the United States—and by the United States I include all the departments of the Government—have undertaken to suppress rebellion and enforce the laws. The reason why it should not be done is said to be the right of every people to independence; that that right is universal, unqualified, and supersedes all other rights; that the United States has no right to extend its boundaries to take in other territory and other people without their consent.

Now, that is not the way the power of this Government has been construed from the beginning. It is not the way it was construed by the author of the Declaration of Independence. Immediately after his inauguration as President of the United States, Mr. Jefferson commenced laying his plans to acquire

Louisiana, a vast country, which about doubled the area of the then United States, and inhabited by a large population, mostly savages, but in Louisiana there was a population sufficient to make a large State at the time.

Did he consult the inhabitants and take their advice? Not at all. He made a treaty purchasing the country, and Congress made the appropriation necessary to carry it into effect, and it was years and years before those people did any voting. The planters, however, and those who knew anything about it, protested. Those who did not know anything about it and were savages at the time protested as best they could; they have done so for a hundred years, and they are at it yet. The Indian wars that followed from that acquisition are not entirely over, and many of the inhabitants still declare themselves as having independent governments. To say that we have no right to govern in the Philippines is to say that we have no right to govern in Sitting Bull's country, or in the Indian Territory, or anywhere where the inhabitants are still claiming independence.

Jefferson did not indorse that doctrine, nor did he indorse their right to rebel against the Government of the United States. When Aaron Burr, who had been Vice-President, went down to Louisiana to set up an independent government, although it was a mere allegation that such was his intention, it aroused the Administration, and Mr. Jefferson had him arrested and tried in Richmond for treason. The only reason why the Government failed to convict him was because they could not prove the overt act. The people then in Louisiana had as much right to resist the power of the Government of the United States as they have to-day in the Philippines.

There was no consulting of the governed in Florida. The acquisition of that country was made pretty much unanimously against the protest of all the inhabitants, and it was followed by a seven years' war. There was no consent of the governed in the case of the territory acquired from Mexico, although there were hundreds of thousands of people there. Their consent was never asked. They protested to the last extremity, and those of them now living still protest, and would like to go back to their old country.

We do not regard that policy as a violation of the principle of the Declaration of Independence. The Declaration of Independence means that the right to liberty shall be secured by all. Jefferson devised a Territorial system which has been followed out in practice ever since, which secures liberty to all. It has been tried for a hundred years, and the people there have had as much liberty, except in voting for President and members of Congress, as any other people.

The people of the Territories are not oppressed. They have free government and independence in its highest sense. The country that was acquired from Mexico and from France and Spain would have had no liberty but for the liberty we extended. Where the Territorial system devised by the fathers goes, there goes liberty, there goes independence, there goes self-government. When that system was applied to the Philippines legally and properly, according to all the precedents, when the territory was annexed by purchase and by conquest, it became the duty of the President of the United States to see to it that the laws were enforced. The statutes of the United States compelled him in the discharge of his duty to put down the rebellion. Both Houses of Congress recognized that duty and made the necessary appropriations.

Shall that rebellion be put down? What sacred rights has Aguinaldo? At the time Dewey entered Manila Harbor he was in exile; he had left the country for money, agreeing not to go back. He went back there in an American ship, and if he cooperated with the Americans he did it under a promise to aid the United States. It was the United States that broke the power of Spain, and the idea is absurd that when the United States had broken the power of Spain this usurper became a sovereign and we must bow to him, that the United States must lower the flag to him. After the United States had taken him back there and broken the power of Spain, what right had he to set up a rebellion and fire upon the flag, as he did?

All this quibbling about a contract with him is absurd. All the officers of the Army and Navy deny it. All the circumstances deny it. Who was he? An exile who had been bought off and had left the country. What right had he to go down there and, without notice to the Government of the United States, fire upon the flag, as he did two days before the ratification of the treaty? The treaty was ratified with a full knowledge that Aguinaldo was in rebellion, and the Senate by its vote commanded the President to put down that rebellion. The appropriation made by the other House demanded it. Now, we have undertaken it, and it is proposed to surrender to Aguinaldo and send commissioners to him while he stands in haughty defiance.

No, no; let him be arrested and brought here as Burr was, and let him be tried for his treason, if you please, or shot by military authority. Is it seriously claimed that the United States must surrender to a person who was in exile and who went back there

under the pretense of being a friend, that the United States must reverse all it has done, after it has pledged itself not only to Spain, but to all the world to protect life and property in the Philippines and has assumed obligations that it can not avoid? After all this has been done shall we show weakness until the enemy which has defied the country, until the rebel who has fired upon the flag, until the treacherous foe shall have been put down?

It is the voice of the American people that the rebellion shall be put down. Any pandering to Aguinaldo will be condemned by the whole country at large. The people say now, "Put down the rebellion;" and that we will then extend liberty and independence there as we have done in every other territory no one doubts. There is no idea of oppression. The people there have had the same privileges and liberties that we always extend, but we must first put down the rebellion before we can administer the laws. That being the case, every argument against making the necessary appropriation, everything that retards prompt, unanimous, and vigorous action, tends to prolong the war and tends to encourage the enemy.

The people of the United States have passed upon these very questions. They, by an overwhelming vote, have approved what the President has done, and they have approved what Congress has done. They expect now that the dignity of the flag shall be defended, and that we shall go forward until the rebels lay down their arms.

Do you talk about bringing rebels in arms here and traveling through the country? Let them lay down their arms. Never under any circumstances shall rebels in arms, rebels who so treacherously betrayed the authority of the United States, be invited here.

Aguinaldo never could have gone there but for the United States. He, without consulting the Government of the United States, set up a government, took charge of the whole business, and undertook to drive the armies of the United States from the islands. He has failed, and will fail. The people of the United States will not tolerate any halting, any delay, any hesitation, after pursuing the course that has been marked out, the only course which honor, justice, liberty, and the independence of the Philippines can possibly indicate.

Do you claim independence for them in their present state of anarchy? They know nothing of the word independence nor of liberty. We will teach it to them. They are as ignorant of it as the savages were on the plains. They are as ignorant of it as the scattered Mexicans in the land we took. They are ignorant, I say, of liberty governed by law. It is our mission now, since we have undertaken it, to teach it to them. We can not fail without being a standing disgrace among the nations of the world. We will not fail. This bill will be passed. The onward march of free institutions will continue. Liberty will be extended to the Orient—liberty governed by law, not governed by anarchy, but governed by a high sense of right and justice, which has been the case for a hundred years under our Territorial system.

It is not a system of oppression. To call it a colonial system is a misnomer. To presume that the United States when it extends its authority as a territory extends imperialism is absurd. Such a suggestion is a reflection upon what has been done in building up the States of the West, in extending our territory, in extending the areas of liberty. The same methods will be pursued there that have been pursued elsewhere, and with success equally good. Put down the rebellion as you put down the rebellion of Chief Sitting Bull or any other rebellion against the authority of the United States within the limits of our territory. That has been the policy of the country, under which it has grown, and that policy will continue. No man can stop it. This appropriation is going to be made. The Filipino rebellion is going to be put down, and the people of the Philippine Islands are going to taste, under our free institutions and under the authority of the United States, the blessings of liberty. Those blessings are going to be taken to them, and no man can prevent it.

I am sorry for having occupied so much of the time of the Senate, as I am anxious that the bill shall be passed at the earliest possible moment.

Mr. CAFFERY obtained the floor.

Mr. MONEY. Will the Senator yield to me for a moment?

Mr. CAFFERY. Yes, sir.

Mr. MONEY. I ask consent to introduce a proposed amendment to the bill, which I desire to have printed. I ask the Secretary to read it.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Mississippi will be read.

The Secretary read the proposed amendment, as follows:

In line 1, section (32) 26, page 38, after the word "direct," insert the words "not exceeding the period of three years."

The PRESIDENT pro tempore. The proposed amendment will be printed and lie upon the table.

Mr. BATE. I offer an amendment which I intend to propose to

the pending bill. I ask that the amendment may be read and printed.

The PRESIDENT pro tempore. The proposed amendment will be read.

The Secretary read as follows:

On page 38, section 24, line 17, after the word "Army," insert following: "And those volunteer officers, not over 30 years of age, who held commissions during the war with Spain and are now serving in the Regular Army."

The PRESIDENT pro tempore. The proposed amendment will be printed and lie upon the table.

Mr. BATE. I have another amendment to the bill, which I also ask may be read and printed.

The PRESIDENT pro tempore. The proposed amendment will be read.

The Secretary read as follows:

On page 31, section 20, strike out all after the word "colonel," in line 6, down to and including the word "lieutenants" and insert in lieu thereof the following:

"Two lieutenant-colonels, 5 majors, 19 captains, and 19 first lieutenants. The enlisted force of the Signal Corps shall consist of 10 companies, whose status of service shall be the same as companies of the Corps of Engineers. Each company shall consist of 9 first-class sergeants, 18 sergeants, 18 corporals, 45 privates (who may be either of the first or second class), and 1 cook."

The PRESIDENT pro tempore. The amendment will be printed and lie upon the table.

Mr. BATE. I have one more amendment to the pending bill, which I also ask to have read and printed.

The PRESIDENT pro tempore. The proposed amendment will be read.

The Secretary read as follows:

On page 26, line 7, after the word "examination," insert the following: "Provided, That the Secretary of War be authorized to appoint in the Hospital Corps, in addition to the 200 hospital stewards now allowed by law, 100 hospital stewards: Provided, That men who have served as hospital stewards of volunteer regiments, or acted in that capacity during and since the Spanish-American war for more than six months, may be appointed hospital stewards in the Regular Army: And provided further, That all men so appointed shall be of good moral character and shall have passed a satisfactory mental and physical examination."

Mr. BATE. I wish to state that, though I am opposed to the bill, I offer these amendments so as to perfect it as far as possible.

The PRESIDENT pro tempore. The proposed amendment will be printed and lie upon the table.

Mr. BACON. Mr. President—

The PRESIDENT pro tempore. The Senator from Louisiana [Mr. CAFFERY] is entitled to the floor. Does he yield to the Senator from Georgia?

Mr. BACON. I beg pardon. I simply want to make a parliamentary inquiry, if the Senator from Louisiana will pardon me.

Mr. CAFFERY. Certainly.

Mr. BACON. The Chair stated that "the bill is now in the Senate," and I ask, not for the purpose of controverting the statement of the Chair, but for information, in what way the bill got into the Senate? I did not know of it.

The PRESIDENT pro tempore. The original bill, the Senate bill, has been heretofore considered in the Senate as in Committee of the Whole, reported to the Senate, and passed. The House of Representatives then sent back an amendment to the Senate bill. That amendment does not go into the Senate as in Committee of the Whole, but is considered in the Senate.

Mr. BACON. I had forgotten for the moment that the original bill passed the Senate and went to the House. I had lost sight of that fact.

Mr. PROCTOR. Will the Senator from Louisiana yield to me to offer an amendment?

Mr. CAFFERY. Certainly.

Mr. PROCTOR. I offer an amendment intended to be proposed to the bill, which I ask to have read and printed.

The PRESIDENT pro tempore. The proposed amendment will be read.

The Secretary read as follows:

SEC. —. That when vacancies shall occur in the position of chief of any staff corps or department, the President may appoint to such vacancies, by and with the advice and consent of the Senate, officers of the Army at large not below the rank of lieutenant-colonel, and who shall hold office for terms of four years. When a vacancy in the position of chief of any staff corps or department is filled by the appointment of an officer below the rank now provided by law for said office, said chief shall, while so serving, have the same rank, pay, and allowances now provided for the chief of such corps or department. And any officer now holding office in any corps or department who shall hereafter serve as chief of a staff corps or department and shall subsequently be retired, shall be retired with the rank, pay, and allowances authorized by law for the retirement of such corps or department chief: Provided, That so long as there remain in service, officers of any staff corps or department holding permanent appointments the chief of such staff corps or department shall be selected from the officers so remaining therein.

The PRESIDENT pro tempore. The proposed amendment will be printed and lie upon the table.

Mr. CAFFERY. Partly, I suppose, Mr. President, in reply to that part of the eloquent address of the senior Senator from Massachusetts [Mr. HOAR] which dwelt upon the right of the Filipinos as a people to self-government the Senator from Nevada [Mr. STEWART] has cited the case of Louisiana. He has cited that case,

apparently, to disprove the argument of the Senator from Massachusetts, and to show that the United States in dealing heretofore with acquired territories and their inhabitants have paid no attention whatever to the consent of the people dwelling in those territories. Now, first, in order to make any kind of parallel between the Filipinos and the inhabitants of the Territory of Louisiana, it is necessary upon the part of those who contend that the Louisiana case is a case in point to favor the Administration's side of the argument to show that there was a people in the Territory of Louisiana in the sense in which that word is used in international law.

What are the facts in regard to the Territory of Louisiana? From a census taken shortly after the purchase of that Territory—out of which, by the way, some 26 States and Territories have been carved, forming more than one-half of the then area of the United States—it was shown that the sum total of white inhabitants of all of that vast domain, embracing about 800,000 square miles, was about 19,000 people—19,000 human souls outside of the scattering bands of Indians that roamed over that trackless waste. First, is there any comparison whatever between a people consisting of 10,000,000 inhabitants, occupying a territory not hardly the twentieth of the size of the Territory of Louisiana, having established institutions of their own, having armies of their own, capable of municipal government, at least, of their own, capable of carrying on the affairs of their own government, and those scattered bands of disunited people that inhabited the expanse of the Louisiana Territory?

Mr. STEWART. Will the Senator allow me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Nevada?

Mr. CAFFERY. Certainly.

Mr. STEWART. How many people would be necessary in order to have rights? The people to whom the Senator from Louisiana refers were white people. There were several hundred thousand—nearly a million—of the inhabitants there who were not white. Did they not have any rights? In other words, does the constitutional principle change with the number of inhabitants? Do we have to take a census to decide as to their rights?

Mr. CAFFERY. The rights of an individual are one thing. As individuals people are entitled to all the rights declared in the Bill of Rights from our standpoint; but we are now talking of the right of a people to a government and not of the right of a people to personal security. That right is independent of government and precedes government. It is true that governments are instituted to protect those rights; but those rights exist a long time before government and can not be destroyed by government.

There is no parallel whatever between the cases. This case of Louisiana is constantly asserted and reasserted as a parallel to the oppression in the Philippines. The argument of the Senator from Massachusetts can not be turned aside or overborne by the citation of the case of Louisiana.

Again, Mr. President, the American people who inhabited the Territory of Louisiana were so anxious to acquire it that they were themselves upon the point of war with Spain to make their passageway down the Mississippi and into the Gulf; and it is known to history that one of Mr. Jefferson's reasons for the acquisition of that Territory was to obviate war between the United States and Spain.

Mr. BACON. On that issue.

Mr. CAFFERY. Yes, sir; on that issue.

Mr. BACON. There is no doubt about that.

Mr. CAFFERY. So that the case of Louisiana might as well be left out of the question.

But there are other points of dissimilarity greater than the point of the absence of a people sufficiently large and sufficiently united to constitute national life. There was a territory right next to us; it was in the Temperate Zone. In the nature of things it would, like a ripe pear, after a while fall into the grasp of our Republic and become incorporated into it. The parallel with the Philippines does not meet that point of similarity. We can never incorporate the Filipinos as an integral portion of our people. They are absolutely unassimilable. We now have evidence in the matter of this difficulty between China and the Christian powers of the earth of the absolute impossibility of advancing these people up to modern ideas and modern civilization. They have their own civilization and their own ideas, and it is their right to put that civilization and those ideas into just that form of government that suits them, and not us. The idea appears to prevail, and to flow from such arguments as those addressed by the Senator from Nevada to the Senate, that we are the grand apostles of freedom and right.

Mr. STEWART. There is no doubt about that.

Mr. CAFFERY. And we impose the yoke of tyranny upon other people, to ram down their throats our liberty and our ideas of government. Tyranny is tyranny, come from what source it may. Call it "benevolent assimilation," call it anything you

please, the superimposed yoke of a foreign country upon an independent people is tyranny, and nothing else.

Now, Mr. President, take the mask off of this bill and what does it mean? It means that Congress shall shirk behind its duty; it means that Congress shall sit down and allow what in the Constitution was never contemplated, the imperialism of a Cæsar to rule us—just that sort of imperialism against which the good sense and the conservatism of the Senator from Colorado [Mr. TELLER] revolted.

If we want to make war against the Filipinos, a war of extermination, a war of absolute waste and destruction, let the Congress of the United States assume responsibility and carry that war to its bitter end. We are not doing that in this instance. Under the pretext of preserving life and property and maintaining the authority of the flag of the United States, we transfer over into the hands of the Executive all the war-making power of this body; and events and facts show that it is a war of extermination that we are waging, not a war to put down a temporary uprising or a rebellion of a discontented and dissatisfied people. That is what it is, and that is all that it is.

Sir, let us boldly assume the responsibility; let us say we do this thing; we declare this war; we carry it on; we vote for this Army bill for a specific purpose, the purpose of exterminating or subduing the Filipinos, instead of having a mask to cover it and arguing that 100,000 men are necessary for a peace footing when twenty-five or thirty thousand men have heretofore proved amply sufficient for the peace establishment of the United States.

The pretext is that some of these troops are wanted in Alaska; that some of them are wanted in Porto Rico; that some of them are wanted in Cuba. Why wanted in Cuba? Are we going to let go our relentless grasp upon that island, or are we going to hold that island in perpetual subjection? Is it the purpose of the United States to carry out faithfully and honorably the statement appended to the declaration of war, that the people of Cuba are and ought to be independent of us?

Mr. STEWART. Will the Senator permit me to ask him a question?

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Nevada?

Mr. CAFFERY. Yes.

Mr. STEWART. I do not understand the Senator when he says that Congress is shirking responsibility, and that we have not come out boldly. I do not see how we could come out more boldly than we have. We ratified the treaty. After the Filipinos fired on our flag, Congress passed an appropriation to enable the President to suppress the insurrection; we made it the duty of the President to do so when we acquired the territory, and both Houses of Congress participated in buying it. It was then our territory. We could not declare war, because it was insurrection, and not war. The statutes of the United States imposed upon the President the duty to put down the insurrection. We boldly imposed that duty upon him; and I do not see how we could be more bold than we were in doing that and in making the appropriations.

Mr. CAFFERY. I decline to yield further.

The PRESIDENT pro tempore. The Senator from Louisiana declines to yield further.

Mr. STEWART. Very well. I should think he would decline, as he is getting the worst of it.

Mr. CAFFERY. Oh, that sort of a quip has no effect upon any sensible argument. I yielded for a question. I did not want a repetition of the speech of the Senator from Nevada.

Mr. STEWART. Very well.

Mr. CAFFERY. Once is quite sufficient for me. [Laughter.]

Mr. BACON. Too much.

Mr. CAFFERY. Yes; a little too much.

Sir, I said, and I repeat, that the purposes of this bill are not disclosed upon its face; they are masked. Talk about emergencies. What sort of emergencies, when there is not a man, woman, or child in the United States who does not know that the purpose of this bill and the purpose of the increase of the Army is for the waging of this war of extermination? That is a sufficient answer. Why not say so? Why not incorporate into the bill that this is for the purpose of allowing the President of the United States to wage war until it is successful in the Philippine Islands?

Mr. President, I have been honestly opposed to this whole scheme of spoliating territories belonging to other peoples; and I propounded to the Senator from Colorado [Mr. TELLER] a question, if the Congress of the United States did not adopt a similar resolution to the one he offered and had adopted in the declaration of war against Spain, whether or not he would then support this war of extermination in the Philippine Islands? I think his answer was rather evasive. He answered by giving me the answer of Mr. Lincoln to the same question propounded to him after the close of the Mexican war.

But, Mr. President, I have no sort of hesitation in saying that I will not only vote against this bill, which conceals its ulterior purpose that I have adverted to, but against any and all bills

whose object and purpose are to destroy the nationality of the Filipinos.

I never have believed, I do not now believe, that it was either politic or constitutional to acquire those islands, and the more I reflect on it the more I am convinced that the most unwise, the most destructive, policy that this Republic can possibly pursue is to incorporate within itself, whether they are to be held as citizens or whether they are to be held as subjects without any rights under the Constitution, far-distant peoples of different language, different race, different traditions, and different surroundings and inheritances. My opinion is that the strength of these United States, now powerful and compact, will be frittered and lost and destroyed by being stretched out to the extremities of the earth to embrace peoples and territories foreign and altogether unassimilable to our institutions and to our people.

I have just arrived in the Senate. I have not had time to dissect this bill; I have not read it; but I do say, Mr. President, that the proponents of this bill have shown no reason why the peace footing of the United States should be raised to 100,000 men. They say it is 98,000; but in round numbers it is 100,000.

As was remarked to me by a friend during the discussion of this bill this morning, you may not, after having increased the Army up to the maximum of 98,000, decrease the officers. You may decrease the number of soldiers down to the minimum; but if this bill should pass and there should be, fortunately, no use for the employment of the maximum longer than for a brief period, you would have a lot of officers without any enlisted men; you would have officers for a hundred thousand men, and you would have enlisted men to the extent of but 54,000. All these incongruities in this bill, and perhaps more—that is an incongruity, and a great one—could be pointed out after an analysis of its contents. But the subject-matter of the bill itself to me is vicious in that it covertly surrenders the war-making power to the President and throws the whole weight of responsibility upon Congress.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Massachusetts [Mr. HOAR] to the amendment.

Mr. CARTER. In the interest of orderly business, I suggest that all amendments offered be laid over until the committee amendments shall have been disposed of. So far as the pending bill is concerned, I think that is proper.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent that the committee amendments may first receive the consideration of the Senate. Is there objection? The Chair hears none, and it is so ordered.

Mr. HAWLEY. I offer a resolution which I send to the desk. There is a very interesting pamphlet in my hands, "Hearings before the Committee on Military Affairs," full of instruction, largely composed of statements by Secretary Root, General Corbin, and other leaders. We have had 50 copies printed for the use of the committee, which is all that is allowed when a committee secures printing for its own use. So I offer a resolution which provides for the printing of a thousand additional copies.

The PRESIDENT pro tempore. The Senator from Connecticut offers a resolution, which will be read.

The Secretary read as follows:

Ordered. That the Committee on Military Affairs are hereby authorized to have printed 1,000 extra copies of the hearings before that committee on Senate bill 4300.

The resolution was considered by unanimous consent; and agreed to.

Mr. TELLER. I wish to offer an amendment to the pending bill and to have it printed and lie on the table.

The PRESIDENT pro tempore. Without objection, it will be received, printed, and lie on the table.

Mr. BACON. I hope it may be read, Mr. President.

The PRESIDENT pro tempore. The amendment will be read. The SECRETARY. It is proposed to strike out section 31 and insert in lieu thereof the following:

SEC. 31. Any officer of the Army below the grade of brigadier-general, who served during the civil war, and whose name is now borne upon the official Register of the Army, and who heretofore has been or hereafter may be retired by reason of wounds received or disabilities incurred in the line of duty, or on account of age, or after thirty years' active service, shall be placed upon the retired list of the Army with the rank and retired pay of one grade above that actually held by him at the time of his retirement: *Provided*, That this section shall not apply to any officer who received an advance of one grade at the time of his retirement, nor to any officer who received an advance of one grade at the time or since the date of his retirement by virtue of the provision of a special act of Congress.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. HAWLEY. It had better be referred to the Committee on Military Affairs.

Mr. TELLER. I do not want it referred to the Committee on Military Affairs. It is an amendment to the thirty-first section. Practically all there is of it is to give those people who retired after thirty years' service the same chance that you gave the others.

Mr. HALE. One grade higher?

Mr. TELLER. One grade higher. I do not see why a man who served thirty years should not have it. This section says:

This section shall apply to officers who have been retired on or since the 11th day of August, 1898, but shall not apply to any officer whose service on the active list does not exceed thirty-five years.

He is entitled to be retired when he has served thirty years. That is the question I wish to raise.

The PRESIDENT pro tempore. The first amendment of the committee will be stated.

Mr. HOAR. In order not to interpose hereafter, I should like to have an order made that all amendments which have been offered or of which notice has been given shall be printed.

The PRESIDENT pro tempore. An order has been made that they shall all be printed and lie on the table. That includes the one offered by the Senator from Massachusetts.

Mr. PROCTOR. There is an amendment of one word in line 18, page 10, striking out "bill" and inserting "act."

The SECRETARY. In section 1, page 10, line 18, before the words "the Army," it is proposed to strike out "bill" and insert "act;" so as to read:

That from and after the approval of this act the Army, etc.

The amendment was agreed to.

The PRESIDENT pro tempore. The first amendment reported by the Committee on Military Affairs will be stated.

The first amendment of the Committee on Military Affairs was, in section 1, page 10, line 19, after the words "United States," to insert "including the existing organizations;" in line 20, after the word "cavalry," to strike out "a corps" and insert "12 regiments;" on page 11, line 2, after the word "Department," to strike out "an Engineer Corps" and insert "a Corps of Engineers;" in line 6, to strike out "service detachment" and insert "detachments;" in line 7, after the word "Academy," to insert "Indian scouts as now authorized by law;" so as to make the section read:

That from and after the approval of this act the Army of the United States, including the existing organizations, shall consist of 15 regiments of cavalry, 12 regiments of artillery, 30 regiments of infantry, 1 lieutenant-general, 6 major-generals, 15 brigadier-generals, an Adjutant-General's Department, an Inspector-General's Department, a Judge-Advocate-General's Department, a Quartermaster's Department, a Subsistence Department, a Medical Department, a Pay Department, a Corps of Engineers, an Ordnance Department, a Signal Corps, the officers of the Record and Pension Office, the chaplains, the officers and enlisted men of the Army on the retired list, the professors, corps of cadets, the Army detachments and band at the United States Military Academy, Indian scouts as now authorized by law, and such other officers and enlisted men as may hereinafter be provided for: *Provided*, That when a vacancy shall occur through death, retirement, or other separation from active service in the office of storekeeper, now provided for by law in the Quartermaster's Department and Ordnance Department, respectively, said office shall cease to exist.

The amendment was agreed to.

The next amendment was, on page 11, section 2, line 22, after the word "provided," to strike out "three captains shall be available for detail as adjutant, quartermaster, and commissary, and three first lieutenants shall be available for detail as squadron adjutants, and three second lieutenants shall be available for duty as squadron quartermasters and commissaries" and insert "the captains and lieutenants not required for duty with the troops shall be available for details as regimental and squadron staff officers and such other detail as may be authorized by law or regulations;" so as to read:

Of the officers herein provided the captains and lieutenants not required for duty with the troops shall be available for detail as regimental and squadron staff officers and such other details as may be authorized by law or regulations.

The amendment was agreed to.

The next amendment was to strike out section 3, in the following words:

SEC. 3. That the regimental organization of the artillery arm of the United States Army is hereby discontinued, and that arm is constituted and designated as the Artillery Corps. It shall be organized as hereinafter specified, and shall belong to the line of the Army.

Mr. BACON. I understand the bill is now in the Senate, and this is the final action?

The PRESIDENT pro tempore. The bill is in the Senate.

Mr. BACON. And this is the final action?

The PRESIDENT pro tempore. Upon these amendments.

Mr. BACON. Upon these amendments. I suggest to the Senator in charge of the bill that possibly while it may be very well to go on with the minor amendments, such as can be acted upon—

Mr. HAWLEY. I can not hear the Senator from Georgia.

Mr. BACON. I was simply saying that as this is the final action of the Senate upon these amendments, the bill being in the Senate and not as in Committee of the Whole, while it may be proper to go on with the formal amendments, such as we have already acted upon, we should pass over an amendment like this, which is not a formal amendment. I do not myself know of any objection to it, but before we get through it may be developed that this which relates to the constitution, the very framework of the Army,

may become a very important matter of consideration. I understood the purpose was now to go on simply with the formal amendments. This is not a formal amendment.

Mr. HAWLEY. Does the Senator wish to have this remain open for the present?

Mr. BACON. I do not wish to be understood as having any special objection to it. It seems to me to belong to a class of amendments different from those on which we have been acting.

Mr. HAWLEY. It will always be open to a motion to reconsider.

Mr. BACON. That will be sufficient, if it is the understanding that at any time before the final vote such a motion can be entered.

Mr. HAWLEY. I shall not object at any time.

Mr. BACON. The Senator simply speaks of what will be his personal course in the matter, but unless that is clearly understood—

Mr. COCKRELL. There is no question about it. A motion to reconsider can be made at any time.

Mr. BACON. At any time within two days. It may be more than two days.

Mr. HAWLEY. I certainly shall not object to a motion to reconsider.

Mr. BACON. With that understanding, all right.

Mr. PETTIGREW. After these amendments are all passed upon, is not the bill subject to amendment or any of the amendments that remain in the bill subject to amendment?

Mr. GALLINGER. No.

Mr. PETTIGREW. Is this the final action?

The PRESIDENT pro tempore. The Chair does not understand the Senator from South Dakota.

Mr. PETTIGREW. After we have gone all over these amendments and disposed of them, is not the bill or any portion of the amendments open to amendment?

Mr. HALE. How can an amendment be amended that the Senate has adopted? The infirmity of the situation, if there is any infirmity in it, is that we are not in Committee of the Whole—

Mr. PETTIGREW. I understand that.

Mr. HALE. With an after opportunity of action in the Senate. It not being an original bill, but an amendment, we are considering matters in the Senate. The only relief from any action the Senate has taken now is in a motion at any time to reconsider, or a Senator, as an amendment is reached, if he is not ready to have it acted upon, may ask the chairman of the committee that the amendment be reserved and not acted upon. But after we have acted upon it in the Senate it is irrevocable unless we reconsider. It seems to me that is the parliamentary law.

The PRESIDENT pro tempore. The Chair so understands.

Mr. PETTIGREW. Then it seems to me that as we go along we ought to take up the amendments which have been offered. There are a great many amendments pending here. There are Senators who wish to offer further amendments. The other amendments should be considered in connection with these.

Mr. BERRY. I would suggest, in view of the peculiar attitude of this bill, it being already in the Senate and not in Committee of the Whole, that, by unanimous consent, we let the committee perfect the bill in the way in which they desire it, with a unanimous-consent understanding that it shall still be open to any amendment, notwithstanding amendments have been agreed to. It can be done by unanimous consent in that way. I think that is a fair way to do it, in view of the peculiar condition. Let the committee perfect the bill in the shape they want it, and then let it be subject, by unanimous consent, to any amendment that may thereafter be offered.

Mr. STEWART. I think that is very fair.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that after the committee has perfected the bill by their amendments, all amendments may still be open to further amendment. Is there objection?

Mr. HAWLEY. I have substantially, so far as I am concerned, agreed to that by saying that I shall at any time yield to a motion to reconsider.

The PRESIDENT pro tempore. There is no objection, and it is so ordered.

Mr. TELLER. These amendments of the committee indicate a difference—

Mr. BATE. Mr. President, I wish to make a parliamentary inquiry. Have we a right, speaking parliamentarily, to propose an amendment to a bill after it is in the Senate, without having given previous notice? That has been the ruling heretofore.

The PRESIDENT pro tempore. The Senate has a right by unanimous consent to do almost anything.

Mr. BATE. I understand that. I ask in view of the amendments already put in here. The bill is in the Senate, and, without having given notice, will amendments be in order?

Mr. HOAR. You do not have to give notice.

Mr. BERRY. No such notice is necessary.

Mr. BATE. That is the question I put to the Chair.

The PRESIDENT pro tempore. The Chair would recognize any Senator at any time to offer any amendment germane to the bill.

Mr. BATE. Is it not the custom and the parliamentary law also when a bill is in the Senate that no amendment can be offered without having given such notice?

The PRESIDENT pro tempore. No. The Chair does not recognize any such rule.

Mr. TELLER. I wish to call the attention of the committee to the large number of sections they propose to strike out, which, I suppose, section 3 is intended to take the place of. There seems to be a difference of opinion between the House and the Senate committee as to the character of the organization. I am not sufficiently advised as to what that difference is, and I wish some Senator on the committee to explain what the difference is between the House and the Senate committees.

Mr. HAWLEY. They abandoned the old regimental organization of the artillery.

Mr. TELLER. They abandoned the present system?

Mr. HAWLEY. The present system, and consolidated it all in one grand corps.

Mr. TELLER. Under the House bill all the artillery would be practically made into one body?

Mr. HAWLEY. Yes; a loose body of single regiments, single batteries.

Mr. TELLER. Not into regiments?

Mr. HAWLEY. I do not know about that. They proposed to abolish the existing regiments of artillery and organize the batteries in one corps. We did not like it.

Mr. TELLER. That is a matter of detail as to which I would not, of course, feel competent to speak.

Mr. HAWLEY. We simply stand by the existing organization.

Mr. TELLER. Has there been any particular complaint in military circles of the existing order of things?

Mr. HAWLEY. Not that I know of. This thing came like a surprise. So we just fell back upon the old organization. It is good enough for anybody.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment to strike out section 3.

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was to strike out sections 4, 5, 6, 7, and 8, in the following words:

SEC. 4. That the artillery corps shall comprise two branches—the coast artillery and the field artillery. The coast artillery is defined as that portion charged with the care and use of the fixed and movable elements of land and coast fortifications, including the submarine mine and torpedo defenses; and the field artillery as that portion accompanying an army in the field, and including field and light artillery proper, horse artillery, siege artillery, mountain artillery, and also machine-gun batteries: *Provided*, That this shall not be construed to limit the authority of the Secretary of War to order coast artillery to any duty which the public service demands or to prevent the use of machine or other field guns by any other arm of the service under the direction of the Secretary of War.

SEC. 5. That all officers of artillery shall be placed on one list, in respect to promotion, according to seniority in their several grades, and shall be assigned to coast or to field artillery according to their special aptitude for the respective services.

SEC. 6. That the artillery corps shall consist of an inspector of artillery, who shall be selected and detailed by the President from the colonels of artillery, to serve on the staff of the general officer commanding the Army, and whose duties shall be prescribed by the Secretary of War; 14 colonels, one of whom shall be the inspector of the artillery; 13 lieutenant-colonels, 39 majors, 182 captains, 198 first lieutenants, 192 second lieutenants; and the captains and lieutenants provided for in this section not required for duty with batteries or companies shall be available for duty as staff officers of the various artillery garrisons and such other details as may be authorized by law and regulations; 21 sergeants-major with the rank, pay, and allowances of regimental sergeants-major of infantry; 27 sergeants-major with the rank, pay, and allowances of battalion sergeants-major of infantry; 1 electrician sergeant to each coast artillery post having electrical appliances; 30 batteries of field artillery, 126 batteries of coast artillery, and 10 bands organized as now authorized by law for artillery regiments: *Provided*, That the aggregate number of enlisted men for the artillery, as provided under this act, shall not exceed 18,920, exclusive of electrician sergeants.

SEC. 7. That each company of coast artillery shall be organized as is now prescribed by law for a battery of artillery: *Provided*, That the enlisted strength of any company may be fixed, under the direction of the Secretary of War, according to the requirements of the service to which it may be assigned: *And provided*, That first-class gunners shall receive \$2 a month and second-class gunners \$1 per month in addition to their pay.

SEC. 8. That each battery of field artillery shall be organized as is now prescribed by law, and the enlisted strength thereof shall be fixed under the direction of the Secretary of War.

The amendment was agreed to.

The next amendment was to insert as section 3 the following:

SEC. 3. That each regiment of artillery shall consist of 1 colonel, 1 lieutenant-colonel, 3 majors, 17 captains, 17 first lieutenants, and 17 second lieutenants; 1 veterinarian, 1 sergeant-major, 1 quartermaster-sergeant, 1 commissary-sergeant, with rank, pay, and allowances of commissary-sergeants of infantry; 3 battalion sergeants-major, 2 color sergeants, with the rank, pay, and allowances of battalion sergeants-major; 1 band and 12 companies of foot artillery, which may be organized into 3 battalions of 4 companies each, and 2 field batteries. Of the officers herein provided the captains and lieutenants not required for duty with the companies and batteries shall be available for detail as regimental and battalion staff officers and such other details as may be authorized by law and regulations. Battalion adjutants shall receive \$1,800 per annum and the allowances of first lieutenant, mounted. Each artillery band shall be organized as now provided by law. Each company of foot artillery shall consist of 1 captain, 1 first lieutenant, 1 second lieutenant,

to be assigned from among the officers hereinbefore authorized; 1 first sergeant, 1 quartermaster-sergeant, 8 sergeants, 12 corporals, 2 musicians, 2 mechanics, 2 cooks, and 52 privates. Each battery of field artillery shall consist of 1 captain, 1 first lieutenant, 2 second lieutenants, to be assigned from among the officers hereinbefore authorized; 1 first sergeant, 1 stable sergeant, 1 quartermaster-sergeant, 6 sergeants, 12 corporals, 4 artificers, 2 musicians, 2 cooks, and 51 privates: *Provided*, That the President, in his discretion, may increase the number of privates in any company of foot artillery to 85, and the number of privates in any battery of field artillery to 133, but the total number of enlisted men authorized for the whole Army shall not at any time be exceeded: *And provided*, That the enlisted strength of each company of foot artillery or battery of field artillery may be fixed under the direction of the Secretary of War, according to the requirements of the service to which it may be assigned: *And provided further*, That in cases of emergency companies of foot artillery may be employed as field artillery.

Mr. HAWLEY. The committee desire to strike out, beginning with the word "battalion," in line 23, on page 15, the words:

Battalion adjutants shall receive \$1,800 per annum and the allowances of first-lieutenant, mounted.

And to insert in lieu thereof:

When any artillery regiment is organized in battalions and during the continuance of such organizations the battalion staff officers shall receive the same pay and allowances herein authorized for those of infantry regiments.

Mr. BACON. I desire to say to the Senator that I shall propose an amendment to this section. I understand we are now on section 3. Am I correct?

The PRESIDENT pro tempore. Section 3.

Mr. HAWLEY. Section 3.

Mr. BACON. I intend to propose an amendment to the section, and I do not desire that anything shall be done which shall in any manner interfere with the proper consideration and action thereof by the Senate. I desire to move to strike out part of it.

The PRESIDENT pro tempore. Under the unanimous-consent agreement the right will be with the Senator at any time to offer an amendment.

Mr. BACON. So that the action upon it at this time will not interfere with the amendment which I propose to strike that out?

The PRESIDENT pro tempore. It will not.

Mr. BACON. And also a few other sections similarly situated?

The PRESIDENT pro tempore. The amendment will be modified, as indicated by the Senator from Connecticut. The question is on agreeing to the amendment to insert as section 3 what has been read.

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was to insert as section 4 the following:

SEC. 4. That the President is authorized, in his discretion, to arm and equip the field artillery as light artillery, horse artillery, siege artillery, or mountain artillery, or with any field or machine guns which are, or may be hereafter, adopted by the War Department as suitable for such service: *Provided*, That the number of electrician sergeants shall be as now authorized by law: *And provided*, That first-class gunners shall receive \$3 per month, and second-class gunners \$1 per month, in addition to their pay.

The amendment was agreed to.

The PRESIDENT pro tempore. Without objection, section 9 will be renumbered section 5 and section 10 will be renumbered section 6.

Mr. PROCTOR. In line 13 of new section 5, the words "in this bill," after the words "total number provided for," should be stricken out. They are mere surplusage.

The PRESIDENT pro tempore. The amendment will be stated.

Mr. PROCTOR. In new section 5, line 12, page 17, after the words "provided for," it is proposed to strike out "in this bill."

The amendment was agreed to.

Mr. PROCTOR. Also in new section 5, line 17, I move to strike out the words "length of service as commissioned officers" and insert "date of commission."

The amendment was agreed to.

Mr. TELLER. I wish to call the attention of the committee to section 5:

Second lieutenants of infantry or cavalry may, in the discretion of the President, be transferred to the artillery arm, taking rank therein according to date of commission, and such transfers shall be subject to approval by a board of artillery officers appointed to pass upon the capacity of such officers for artillery service.

It seems to me a little incongruous to authorize the President to perform an act of that kind and make it subject to the approval of some subordinates. It is not a consistent thing to do. I think we should leave the President to determine for himself whether they are capable of discharging the duties in the artillery service. That is rather an awkward provision to put in a bill.

Mr. PROCTOR. If the Senator will allow me, I think the provision is only the ordinary one for an examination required for promotions in the Army. The board passes upon the capacity of such officers for artillery service.

Mr. TELLER. I suppose this is a regulation of the War Department and that the President can transfer these people without our authority?

Mr. HAWLEY. No.

Mr. PROCTOR. No; not from one corps to another.

Mr. TELLER. He can not? But he can promote?

Mr. PROCTOR. They are commissioned in a particular corps—the artillery, infantry, or cavalry. He can not transfer.

Mr. TELLER. He can not make anything else of them?

Mr. PROCTOR. No.

The next amendment of the Committee on Military Affairs was, in section 6, line 6, page 18, to strike out:

Three captains shall be available for detail as adjutant, quartermaster, and commissary, and three first lieutenants shall be available for detail as battalion adjutants, and three second lieutenants shall be available for duty as battalion quartermasters and commissaries.

And to insert:

The captains and lieutenants not required for duty with the companies shall be available for detail as regimental and battalion staff officers and such other details as may be authorized by law or regulations.

The amendment was agreed to.

The next amendment was, on the same page, line 23, after the words "forty-eight privates," to insert "the commissioned officers to be assigned from those hereinbefore authorized."

The amendment was agreed to.

Mr. PROCTOR. On the same page, lines 16 and 18, the word "lieutenant" should be plural. Add the "s" in each case.

The PRESIDENT pro tempore. That modification will be made.

The next amendment was, on page 19, to renumber section 11 so as to read "section 7."

The amendment was agreed to.

The next amendment was, on page 19, to renumber section 12, so as to stand as section 8.

The amendment was agreed to.

Mr. PROCTOR. I offer from the committee an amendment. I move to add at the end of the new section 7 the following:

Provided, That officers detailed from the Corps of Engineers to serve as battalion adjutants, battalion quartermasters, and commissaries shall, while so serving, receive the pay and allowances herein authorized for battalion staff officers of infantry regiments.

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was, on page 20, line 1, at the beginning of the line, to insert the word "artillery."

The amendment was agreed to.

The next amendment was, on page 20, line 1, to strike out "and twelve for the Corps of Artillery;" so as to read:

SEC. 8. That the President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army, at the rate of one for each regiment of cavalry, artillery, and infantry in the United States service, with the rank, pay, and allowances of captains of infantry.

The amendment was agreed to.

The next amendment was, in line 10, page 20, after the word "regiments," to strike out the words "or to the Corps of Artillery;" so as to read:

And provided, That the office of post chaplain is abolished, and the officers now holding commissions as chaplains, or who may hereafter be appointed chaplains, shall be assigned to regiments.

The amendment was agreed to.

Mr. CARTER. In line 5, page 20, the word "thirty-five" before "years" should be stricken out and "forty" inserted. That is a committee amendment.

The SECRETARY. On page 20, line 5, strike out "thirty-five" and insert "forty;" so as to read:

Provided, That no person shall be appointed a chaplain in the Regular Army who shall have passed the age of 40 years, nor until he shall have established his fitness as required by existing law.

The amendment was agreed to.

The next amendment was, on page 20, to renumber section 13 so as to stand as section 9.

The amendment was agreed to.

The next amendment was, on page 20, line 19, to strike out the word "active;" so as to read:

SEC. 9. That the Adjutant-General's Department shall consist of one Adjutant-General with the rank of major-general during the service of the present incumbent of the office and with the rank of brigadier-general thereafter, etc.

The amendment was agreed to.

The next amendment was, on page 21, to renumber section 14 so as to stand as section 10.

The amendment was agreed to.

The next amendment was to renumber section 15 so as to stand as section 11.

The amendment was agreed to.

Mr. SEWELL. I have a committee amendment, which I offer to section 14, new section 10, line 5. I move to strike out "three" and insert "four;" in the same line to add the word "general" after the word "inspectors;" in line 6, after "inspectors," to insert "general;" in the same line to strike out "nine" and insert "eight;" and in line 7, after "inspectors," to insert "general;" so as to read:

Four inspectors-general with the rank of colonel, 4 inspectors-general with the rank of lieutenant-colonel, and 8 inspectors-general with the rank of major.

Mr. HAWLEY. That is an amendment to be voted upon nominally. It is the insertion of the word "general" in lines 5, 6,

and 7, and the insertion of the word "four" in place of "three" in line 5, and the word "eight" in place of "nine" in line 6, so that it will read:

That the Inspector-General's Department shall consist of 1 Inspector-General with the rank of brigadier-general, 4 inspectors-general with the rank of colonel, 4 inspectors-general with the rank of lieutenant-colonel, and 8 inspectors-general with the rank of major.

The amendment was agreed to.

Mr. PROCTOR. On page 21, section 11, line 19, after the word "one," I move to insert the word "acting," and on the same page, in line 22, after the words "according to," I move to strike out "the rules of;" so that it will read "according to seniority."

The SECRETARY. On page 21, line 19, after the word "one," insert the word "acting," and on the same page, line 22, strike out the words "the rules of," and on page 22, line 3, strike out the word "hereafter" and insert "thereafter;" so as to make the amendment of the committee, as modified, read:

SEC. 11. That the Judge-Advocate-General's Department shall consist of 1 Judge-Advocate-General with the rank of brigadier-general, 2 judge-advocates with the rank of colonel, 3 judge-advocates with the rank of lieutenant-colonel, 6 judge-advocates with the rank of major, and for each geographical department or tactical division of troops not provided with a judge-advocate from the list of officers holding permanent commissions in the Judge-Advocate-General's Department 1 acting judge-advocate with the rank, pay, and allowances of captain, mounted. Promotions to vacancies above the grade of major, created or caused by this act, shall be made, according to seniority, from officers now holding commissions in the Judge-Advocate-General's Department. Vacancies created or caused by this act in the grade of major may be filled by appointment of officers holding commissions as judge-advocate of volunteers since April 21, 1898. Vacancies which may occur thereafter in the grade of major in the Judge-Advocate-General's Department shall be filled by selection of officers of the line.

The amendment as modified was agreed to.

Mr. PROCTOR. In line 4 of the same section, page 22, I move to strike out the word "selection" and insert the words "the appointment;" so as to read "shall be filled by the appointment of officers of the line."

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was in line 5, page 22, after the word "line," to insert:

Or of persons who have satisfactorily served as judge-advocates of volunteers since April 21, 1898, and whose age at the date of appointment shall not exceed 40 years.

Mr. BACON. What is the amendment? I see the amendment printed in roman text that the committee originally suggested. What is the amendment which the Senator from Vermont now offers to that?

The SECRETARY. To strike out "selection" and insert "appointment."

Mr. BACON. I beg pardon; that is a matter of form.

The PRESIDENT pro tempore. That amendment was agreed to. The question now is on the amendment of the committee, which has just been stated.

The amendment was agreed to.

Mr. PROCTOR. I offer an amendment. On page 22, line 9, I move to strike out:

Vacancies in the grade of captain in the Judge-Advocate-General's Department shall be filled by detail from the line of the Army of officers of the grade of captain or first lieutenant.

And to insert:

Acting judge-advocates provided for herein shall be detailed from officers of the grades of captain or first lieutenant of the line of the Army.

Mr. HAWLEY. The words following should read "who while so serving."

The SECRETARY. And strike out the word "and."

Mr. CARTER. The word "and" is all right.

The SECRETARY. In line 12 strike out "and" and insert "who." The amendment was agreed to.

The next amendment was, on page 22, to renumber section 16, so as to stand as section 12.

The amendment was agreed to.

The next amendment was, in line 21, on page 22, to strike out, after the word "brigadier-general," the word "seven" and insert "six;" in line 23, to strike out "eleven" and insert "nine;" in line 23, to strike out "twenty-eight" and insert "eighteen," and in line 24, to strike out "seventy-two" and insert "fifty-four;" so as to read:

SEC. 12. That the Quartermaster's Department shall consist of 1 Quartermaster-General with the rank of brigadier-general, 6 quartermasters with the rank of colonel, 9 quartermasters with the rank of lieutenant-colonel, 18 quartermasters with the rank of major, 54 quartermasters with the rank of captain, mounted.

The amendment was agreed to.

The next amendment was, on page 23, line 8, after the words "eighteen hundred and ninety-eight," to insert "and whose age at the date of appointment shall not exceed 40 years;" so as to make the proviso read:

Provided, That all vacancies in the grade of colonel, lieutenant-colonel, and major created or caused by this section shall be filled by promotion according to seniority, as now prescribed by law. That to fill vacancies in the grade of captain created by this act in the Quartermaster's Department

the President is authorized to appoint officers of volunteers commissioned since April 21, 1898, and whose age at the date of appointment shall not exceed 40 years.

The amendment was agreed to.

The next amendment was, on page 23, to renumber section 17 so as to stand as section 13.

The amendment was agreed to.

The next amendment was, on page 23, line 15, to strike out the words "one hundred and fifty" and insert "the number of;" in line 16, after the words "commissary sergeants," to insert "now authorized by law;" and in line 24, after the words "eighteen hundred and ninety-eight," to insert "and whose age at the date of appointment shall not exceed 40 years;" so as to read:

SEC. 13. That the Subsistence Department shall consist of 1 Commissary-General with the rank of brigadier-general, 3 commissaries with the rank of colonel, 4 commissaries with the rank of lieutenant-colonel, 9 commissaries with the rank of major, 27 commissaries with the rank of captain, mounted, and the number of commissary-sergeants now authorized by law, who shall hereafter be known as post commissary-sergeants: *Provided*, That all vacancies in the grades of colonel, lieutenant-colonel, and major, created or caused by this section, shall be filled by promotion, according to seniority, as now prescribed by law. That to fill vacancies in the grade of captain, created by this act, in the Subsistence Department, the President is authorized to appoint officers of volunteers, commissioned since April 21, 1898, and whose age at the date of appointment shall not exceed 40 years.

The amendment was agreed to.

Mr. PROCTOR. In line 7 of that page I move to strike out the words "officers of volunteers commissioned since" and insert "persons who have served as volunteers subsequent to."

Mr. SPOONER. How will it read then?

The SECRETARY. On page 23, line 7, strike out the words "officers of volunteers commissioned since" and insert in lieu thereof "persons who have served as volunteers subsequent to;" so as to read:

That to fill vacancies in the grade of captain created by this act in the Quartermaster's Department the President is authorized to appoint persons who have served as volunteers subsequent to April 21, 1898, and whose age at the date of appointment shall not exceed 40 years.

Mr. SPOONER. I should like to ask the Senator who has prepared these amendments if he understands that under the section as proposed to be amended an officer who went out of service after April 21, 1898, is eligible to appointment by the President if of proper age and requisite capacity?

Mr. PROCTOR. Certainly; persons who have served as volunteers subsequent to April 21, 1898, no matter when they went out.

Mr. SPOONER. It does not mean that they must have continuously served?

Mr. PROCTOR. It does not mean that. If they have been in the service, it does not matter whether they are in it still or not.

Mr. KENNEY. May I ask the Senator from Vermont a question? Would an officer who had served in the Volunteer Army since April 21, 1898, and who has been discharged and is not now in the Army, be eligible to appointment under the provision of the bill?

Mr. SPOONER. That was my question.

Mr. PROCTOR. That was the purpose of the amendment, and I think it is clearly expressed. It includes any officer or enlisted man who has served.

Mr. SPOONER. Might not that be construed as involving a continuous service?

Mr. SEWELL. We discussed that point in the committee and thought not.

Mr. SPOONER. I know, but this is to be enacted, I suppose, into law, and the opinion of the committee might not be the opinion of the administrative department. Would there be any objection to making it clear as to one who had at any time served as an officer of volunteers?

Mr. PROCTOR. There is no objection to inserting the words "who have at any time."

Mr. SPOONER. All right.

Mr. TILLMAN. I should like to ask the Senator from Vermont or the chairman of the committee to tell me if there is a provision in the bill anywhere which permits privates or sergeants or anybody else now serving to be examined and appointed as lieutenants the same as in the Regular Army, or is that provision stricken out?

Mr. SEWELL. That is the provision of law now.

Mr. TILLMAN. But this supersedes all previous laws, does it not?

Mr. BACON. The provision of law now relates only to the regulars.

Mr. TILLMAN. These will be regulars, I imagine, when we get through with it.

Mr. BACON. The eligibility of a private soldier to examination for commission in the Regular Army is limited to private soldiers in the regular service and does not embrace the 35,000 private soldiers who are in the volunteer service.

Mr. TILLMAN. I simply wanted to have it understood.

Mr. PROCTOR. We will reach later the provision in regard to that matter, and I think the Senator will find it satisfactory.

Mr. BACON. If the Senator will pardon me a moment, in order that they may be printed I desire to submit some amend-

ments which I shall propose. I ask that they may be read and printed, in order that the Senate may have an opportunity to see them.

The PRESIDENT pro tempore. The Senator from Georgia submits amendments, which will be read.

The Secretary read the amendments intended to be proposed by Mr. BACON, as follows:

On page 12, in section 2, beginning in line 17, strike out the following: "Provided, That the President, in his discretion, may increase the number of corporals in any troop of cavalry to 8, and the number of privates to 76." Second. On page 16, section 3, beginning in line 11, strike out the following: "Provided, That the President, in his discretion, may increase the number of privates in any company of foot artillery to 85, and the number of privates in any battery of field artillery to 133."

And in the same section, beginning in line 17, strike out the following: "And provided, That the enlisted strength of each company of foot artillery or battery of field artillery may be fixed under the direction of the Secretary of War, according to the requirements of the service to which it may be assigned."

Third. On pages 18 and 19, section 6, beginning in line 25 of page 18, strike out the following:

"Provided, That the President, in his discretion, may increase the number of sergeants in any company of infantry to 6, the number of corporals to 10, and the number of privates to 127."

The PRESIDENT pro tempore. The amendments will be printed and lie on the table.

Mr. PROCTOR. In compliance with the suggestion of the Senator from Wisconsin, the amendment on page 23, line 7, should read "persons who have at any time served as volunteers subsequent to," striking out the words "officers of volunteers commissioned since."

Mr. PETTIGREW. Is this a proposition to amend the committee amendment?

Mr. SPOONER. It is an amendment accepted by the committee and offered by the committee.

Mr. PETTIGREW. When was it accepted by the committee? Was it accepted just now? Who is the committee?

Mr. PROCTOR. The Senator can look into the Directory. The amendment was agreed to at a meeting of the committee regularly. Also, in line 23, page 23, section 13, I move to strike out—

Mr. PETTIGREW. I should like to know how this amendment affects men now in the service.

Mr. PROCTOR. If the Chair will hear this amendment I will reply to the Senator's question. In line 23, I move to strike out the words "officers of volunteers commissioned since" and insert the same words as above.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 23, line 23, strike out "officers of volunteers commissioned since" and insert in lieu thereof "persons who have at any time served as volunteers subsequent to," so as to read:

That to fill vacancies in the grade of captain, created by this act, in the Subsistence Department, the President is authorized to appoint persons who have at any time served as volunteers subsequent to April 21, 1898, and whose age at the date of appointment shall not exceed forty years.

Mr. PETTIGREW. Now, I should like to know the purpose of this change, and who is affected by it.

Mr. SPOONER. I made the suggestion. I was afraid that the language of the section as reported by the committee would be construed to require a limit in the appointment to men who had continuously served, and I want to leave it open so that any man who served after the beginning of the Spanish-American war, although not continuously, and who is of requisite capacity and the proper age would be eligible to appointment.

Mr. PETTIGREW. I should like to know how many people this would affect and who they are.

Mr. SPOONER. It would affect everyone who is in the Army and would not limit it to men who have continuously served.

Mr. PETTIGREW. That is, if he had been in but a week?

Mr. SPOONER. That would not make any difference.

Mr. PROCTOR. It would not limit it to officers. It opens it to enlisted men.

Mr. SPOONER. As it stands, without amendment, if a man had been in but a month he would be eligible to appointment and a man who has been in for a year might not be eligible.

Mr. PETTIGREW. I simply wanted to know the names of the parties, that is all.

Mr. SPOONER. There are no names, so far as I know. I have no candidates.

Mr. CARTER. The Senator can take the muster rolls.

The PRESIDENT pro tempore. The question is on agreeing to the amendments proposed by the Senator from Vermont.

The amendments were agreed to.

The next amendment of the Committee on Military Affairs was on page 24, to renumber section 18 so as to stand as section 14.

The amendment was agreed to.

Mr. PROCTOR. On page 24, line 16, section 14, I move to strike out the following:

That nothing in this section shall change the relative rank for subsequent promotion of medical officers as arranged by results of competitive examination.

And insert the slip I have given the Secretary.

The SECRETARY. On page 24, section 14, line 16, strike out the words:

That nothing in this section shall change the relative rank for subsequent promotion of medical officers as arranged by results of competitive examination.

And insert:

That nothing in this section shall affect the relative rank for promotion of any assistant surgeon now in the service or who may be hereafter appointed therein as determined by the date of his appointment or commission and as fixed in accordance with existing law and regulations.

Mr. PETTIGREW. I should like to know the reason for this change. Of course if the committee have not perfected their bill it had better be recommitted and let them fix it up and let us have a report with regard to all these matters; or if it is being changed to cover special cases we ought to know that.

Mr. PROCTOR. All these amendments were fully considered and agreed to by the committee at a regular meeting. This amendment was proposed by the Surgeon-General to prevent embarrassment and question about the rank. It is an old question that was considered before I came to the Department or to the Senate. The Senator from Missouri [Mr. COCKRELL] was entirely familiar with an old controversy in the Medical Corps about rank, which was finally settled by Congress, and he earnestly approved of this amendment, as it would prevent a reopening of that old difference, which he feared might come under the bill as it stood. The amendment was agreed to.

The next amendment was, on page 26, to renumber section 19, so as to stand as section 15.

The amendment was agreed to.

The next amendment was, in section 15, page 26, line 10, to strike out the word "and" and insert "who shall be a graduate of a hospital training school having a course of instruction of not less than two years;" so as to read:

SEC. 15. That the Nurse Corps (female) shall consist of 1 Superintendent, to be appointed by the Secretary of War, who shall be a graduate of a hospital training school having a course of instruction of not less than two years, whose term of office may be terminated at his discretion, whose compensation shall be \$1,800 per annum, and of as many chief nurses, nurses, and reserve nurses as may be needed.

The amendment was agreed to.

The next amendment was, on page 27, to strike out section 20 in the following words:

SEC. 20. That the Veterinary Corps shall consist of—
A Chief Veterinarian with the rank, pay, and allowances of a colonel, United States Army.

An assistant chief veterinarian with the rank, pay, and allowances of a major, United States Army, to be promoted in 1905, after competitive satisfactory examination, from the grade of veterinarian and captain.

Four veterinarians with the rank, pay, and allowances of a captain of cavalry, to be promoted in 1903, after competitive satisfactory examination, from the grade of assistant veterinarian and first lieutenant.

Ten assistant veterinarians with the rank, pay, and allowances of a first lieutenant of cavalry, to be promoted, after satisfactory examination, from the grade of assistant veterinarian and second lieutenant after one year's service in this grade.

Twenty assistant veterinarians with the rank, pay, and allowances of a second lieutenant of cavalry, to be appointed after satisfactory examination: *Provided*, That these twenty positions shall include the veterinarians, first class, provided for in the act of March 2, 1899, who have passed satisfactory examinations, and also the six veterinarians, second class, who are now employed in the Army under said act of March 2, 1899.

All rules and regulations governing the Veterinary Corps shall be made by the Secretary of War, and the Chief Veterinarian shall report directly to that officer.

For pay of officers of the Veterinary Corps, \$33,500.

Mr. KENNEY. I desire to ask the Senate to disagree to the committee amendment, and I ask the Chair whether I shall raise the question now or whether the bill should be first perfected, so that I may raise the question to-morrow or when the bill has been perfected?

Mr. LODGE. That can be passed over.

Mr. GALLINGER. Let it be passed over. I should think that would be the better course.

Mr. KENNEY. Let the amendment be passed over. That can be done under the unanimous agreement we had.

Mr. SEWELL. We ought to perfect the committee amendments first.

Mr. GALLINGER. This is a committee amendment.

Mr. President, I rose to make an inquiry of some member of the committee concerning section 15, which creates a nurse corps in the Army, and to ask whether it is in accordance with provisions in other armies or whether it is an entirely new departure in the matter of legislation?

Mr. SEWELL. I can answer the Senator. We have examined the Surgeon-General on that point. This is what they have in the Army to-day absolutely.

Mr. HAWLEY. The Surgeon-General agreed to it fully and frankly.

Mr. SEWELL. It is the same we have to-day in the Army with the exception of one principal nurse who is provided for.

Mr. GALLINGER. I ask the Senator from New Jersey, who seems to be familiar with this matter, whether there are now chief nurses who are provided? There seem to be a superintendent, chief nurses, nurses, and reserve nurses.

Mr. SEWELL. There are chief nurses to all hospitals.

Mr. GALLINGER. I will ask the Senator further whether the concluding lines of the section are now matters of law, that "they may be granted leaves of absence for thirty days, with pay, for each calendar year."

Mr. SEWELL. I think they are not.

Mr. GALLINGER. "And, when serving as chief nurses, their pay may be increased by authority of the Secretary of War, such increase not to exceed \$25 per month." Is that the law?

Mr. SEWELL. I think that is the custom now, but the thirty days' leave is not.

Mr. GALLINGER. Mr. President, I am not at all familiar with military matters, but it seems to me that this is a pretty complicated provision in the matter of establishing a nurse corps for the Army. For instance, I can not see for the life of me why, when there is a superintendent at a large salary, we should then proceed to provide for chief nurses and for nurses and reserve nurses, and then make a further provision that the chief nurses may be granted, at the discretion of the Secretary of War, \$25 a month more than the other nurses. I do not imagine there is going to be any difference in the duties to be performed by those nurses. I can not, for the life of me, understand why this large distinction should be made with reference to the emoluments of the two classes of nurses. Perhaps it can be explained.

Mr. SEWELL. In all our great hospitals we have a chief nurse, who gets more pay than the ordinary nurses. It is the custom in all branches of business that the head of a concern gets more pay than others, as he has more responsibility. The superintendent nurse is here in the office of the Surgeon-General in Washington, but the chief nurses may be at Fortress Monroe or at Manila, or they may be at any other place where we have a large army; and they get more pay. I asked the Surgeon-General if this made any discrimination in the pay, and he said "No; that it is what they are being paid now."

Mr. GALLINGER. Does the Surgeon-General say he pays certain classes of nurses \$25 a month more than other nurses?

Mr. SEWELL. Yes.

Mr. GALLINGER. Then I do not see the necessity of having this provision here; but I shall let the matter rest, inasmuch as, under the unanimous-consent agreement, I shall have the right to make any motion concerning this matter, or to offer an amendment at a subsequent period of consideration. So I will say nothing further to-day.

The PRESIDENT pro tempore. The Senator from Delaware [Mr. KENNEY] has asked that section 20, relating to the veterinary corps, shall be passed over for the present.

Mr. KENNEY. There was a unanimous-consent agreement that that portion of the bill should be passed over.

Mr. CARTER. That request should likewise include section 16 of the substitute, which refers to the same subject-matter.

The PRESIDENT pro tempore. The entire sections relating to the veterinary corps. Is there objection to their being passed over for the present? The Chair hears no objection.

Mr. MCCOMAS. I should like to be informed why it is that in the provisions for the Adjutant-General's Department and for the Inspector-General's Department there is no latitude given whereby any who had served in the volunteers might enter in the lower grades, as is provided in the other departments, the Judge-Advocate-General's Department, and the Quartermaster and Subsistence departments, and the like. I should like to know why the Inspector-General's Department does not have the like provision.

Mr. SEWELL. I should say as to the Inspector-General's Department that, as now constituted by law, the President is required to appoint the majors, that being the lowest grade in the department, from captains of the line. We have not changed it. The War Department did not want it changed. The Secretary of War is in favor of this measure. The Inspector-General's Department is a very high grade department. Its appointees are men of high standing, and it is one of those departments that it has not been thought well to throw open to volunteers.

Mr. MCCOMAS. I do not see why a like provision, which enabled men to enter the Judge-Advocate-General's Department, might not be applied.

Mr. SEWELL. It is quite applicable to the Judge-Advocate-General's Department, because we have volunteer judge-advocates-general who are better lawyers than those in the regular service.

Mr. MCCOMAS. I think that may be so.

The PRESIDENT pro tempore. The next amendment of the Committee on Military Affairs will be stated.

The SECRETARY. On page 29, line 3, it is proposed to renumber "section 21," so as to make it "section 17;" in line 5, before the word "paymasters," to strike out "four" and insert "three;" in the same line, after the word "colonel," to strike out "and assistant paymaster-general, five," and insert "four;" in line 7, after the word "lieutenant-colonel," to strike out "and deputy paymaster-general, twenty," and insert "nine;" in line 8, after the word "twenty," to strike out "five" and insert "seven;" in line 9,

after the word "captain," to insert "mounted;" in line 15, after the word "below," to strike out "twenty" and insert "nine;" in line 18, after the word "paymasters," to insert "and whose age at the date of appointment shall not exceed 40 years;" in line 20, after the word "section," to insert "and the persons so appointed to the grade of captain shall be promoted according to seniority to vacancies in the grade of major occurring after the number of majors has been reduced to nine;" so as to make the section read:

SEC. 17. That the Pay Department shall consist of 1 Paymaster-General with the rank of brigadier-general, 3 paymasters with the rank of colonel, 4 paymasters with the rank of lieutenant-colonel, 9 paymasters with the rank of major, and 27 paymasters with the rank of captain, mounted: *Provided*, That all vacancies in the grade of colonel and lieutenant-colonel created or caused by this section shall be filled by promotion according to seniority, as now prescribed by law, and no more appointments to the grade of major and paymaster shall be made until the number of majors and paymasters is reduced below 9: *And provided*, That persons who have served in the Volunteer Army since April 21, 1898, as additional paymasters and whose age at the date of appointment shall not exceed 40 years, may be appointed to positions in the grade of captain, created by this section, and the persons so appointed to the grade of captain shall be promoted according to seniority to vacancies in the grade of major occurring after the number of majors has been reduced to 9. So long as there remain surplus majors an equal number of vacancies shall be held in the grade of captain, so that the total number of paymasters authorized by this section shall not be exceeded at any time.

The amendment was agreed to.

The next amendment was, on page 30, line 3, to renumber section 22 so as to make it section 18; and in line 9, after the word "That," to insert "the;" so as to make the section read:

SEC. 18. That the Corps of Engineers shall consist of 1 Chief of Engineers with the rank of brigadier-general, 7 colonels, 14 lieutenant-colonels, 28 majors, 40 captains, 40 first lieutenants, and 30 second lieutenants. The enlisted force provided in section 11 of this act and the officers serving therewith shall constitute a part of the line of the Army: *Provided*, That the Chief of Engineers shall be selected as now provided by law, and hereafter vacancies in the Corps of Engineers in all other grades above that of second lieutenant shall be filled, as far as possible, by promotion according to seniority from the Corps of Engineers: *And provided also*, That vacancies remaining in the grades of first and second lieutenant may be filled by transfer of officers of the Regular Army, subject to such professional examination as may be approved by the Secretary of War. Vacancies in the grade of second lieutenant not filled by transfer shall be left for future promotions from the corps of cadets at the United States Military Academy.

The amendment was agreed to.

The next amendment was, on page 30, line 21, to renumber section 23 so as to make it section 19.

The amendment was agreed to.

The next amendment was, on page 31, line 4, to renumber section 24 so as to make it section 20; in line 6, after the word "colonel," to strike out "two lieutenant-colonels" and insert "one lieutenant-colonel;" in the same line, after the word "lieutenant-colonel," to strike out "five" and insert "three;" in line 7, before the word "captains," to strike out "nineteen" and insert "nine;" in the same line, before the words "first lieutenants," to strike out "nineteen" and insert "nine;" and in line 17, after the date "1898," to insert:

But no such person shall be appointed until he shall have passed a satisfactory examination as to his physical, moral, and professional qualifications, and no person not now or previously an officer of the Regular Army shall be appointed to the grade of captain or first lieutenant in the Signal Corps after he shall have reached the age of 40 years: *Provided*, That the President is authorized to continue in service during the present emergency, for duty in the Philippine Islands, 10 volunteer signal officers with the rank of first lieutenant and 10 volunteer signal officers with the rank of second lieutenant. This authority shall extend only for the period when their services may be absolutely necessary, not beyond July 1, 1902.

So as to make the section read:

SEC. 20. That the Signal Corps shall consist of 1 Chief Signal Officer with the rank of brigadier-general, 1 colonel, 1 lieutenant-colonel, 3 majors, 9 captains, 9 first lieutenants, 80 first-class sergeants, 120 sergeants, 150 corporals, 200 first-class privates, 150 second-class privates, and 10 cooks: *Provided*, That vacancies created or caused by this section shall be filled by promotion of officers of the Signal Corps according to seniority, as now provided by law. Vacancies remaining after such promotions may be filled by appointment of persons who have served in the Volunteer Signal Corps since April 21, 1898, but no such person shall be appointed until he shall have passed a satisfactory examination as to his physical, moral, and professional qualifications, and no person not now or previously an officer of the Regular Army shall be appointed to the grade of captain or first lieutenant in the Signal Corps after he shall have reached the age of 40 years: *Provided*, That the President is authorized to continue in service during the present emergency, for duty in the Philippine Islands, 10 volunteer signal officers with the rank of first lieutenant and 10 volunteer signal officers with the rank of second lieutenant. This authority shall extend only for the period when their services may be absolutely necessary—not beyond July 1, 1902.

Mr. PROCTOR. On page 31, line 20, in the amendment just read, I move to strike out the words "an officer of" and insert the word "in;" so as to read "not now or previously in the Regular Army."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Military Affairs was, on page 32, line 5, to renumber section 25, so as to make it section 21.

The amendment was agreed to.

The next amendment was, on page 32, line 11, to renumber section 26, so as to make it section 22, and in line 19, after the word "promotions," to insert:

Or to the periods for which the officers so promoted shall hold their appointments, and when any vacancy, except that of the chief of the depart-

ment or corps, shall occur it shall be filled by detail from the line of the Army, and no more permanent appointments shall be made in those departments or corps. Such details shall be made from the grade in which the vacancies exist, under such system of examination as the President may from time to time prescribe.

All officers so detailed shall serve for a period of four years unless sooner relieved, at the expiration of which time they shall return to duty with the line, and officers below the rank of lieutenant-colonel shall not again be eligible for selection in either staff department until they shall have served two years with the line.

So as to make the section read:

SEC. 22. That so long as there remain any officers holding permanent appointments in the Adjutant-General's Department, the Inspector-General's Department, the Quartermaster's Department, the Subsistence Department, the Pay Department, the Ordnance Department, and the Signal Corps they shall be promoted according to seniority in the several grades, as now provided by law, and nothing herein contained shall be deemed to apply to vacancies which can be filled by such promotions or to the periods for which the officers so promoted shall hold their appointments, and when any vacancy, except that of the chief of the department or corps, shall occur it shall be filled by detail from the line of the Army, and no more permanent appointments shall be made in those departments or corps. Such details shall be made from the grade in which the vacancies exist, under such system of examination as the President may from time to time prescribe.

All officers so detailed shall serve for a period of four years unless sooner relieved, at the expiration of which time they shall return to duty with the line, and officers below the rank of lieutenant-colonel shall not again be eligible for selection in either staff department until they shall have served two years with the line.

The amendment was agreed to.

Mr. PETTIGREW. I move that the Senate do now adjourn.

Mr. SEWELL. I hope the Senator will allow us to perfect the bill. I hope he will let us go on at least for a few minutes longer.

Mr. PETTIGREW. There are several controverted questions, and we have come to a point where I think we should adjourn.

Mr. SEWELL. We can put those over until to-morrow. Let us perfect the bill as far as we can.

Mr. PETTIGREW. I withdraw my motion to adjourn and move that the Senate proceed to the consideration of executive business.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. The Senator from South Dakota moves that the Senate proceed to the consideration of executive business.

Mr. TILLMAN. I ask the Senator from South Dakota to withdraw that motion for a moment, in order that I may make an explanation, and then he can renew it.

Mr. PETTIGREW. I withdraw the motion for that purpose.

Mr. TILLMAN. Mr. President, yesterday, in the debate on this bill, I made some mention of the discharge of a soldier from my State, and, as I thought, justly criticised the War Department for turning him loose, without money or clothing or anything else, among the Filipinos. I have in my hand, sent me by the Adjutant-General this morning, a copy of the correspondence which led me into that error. I ask that my letter to General Corbin and his answer sent to me, upon which I based my criticism, may be read for the information of the Senate.

The PRESIDENT pro tempore. The papers referred to will be read.

The Secretary read as follows:

UNITED STATES SENATE,
Washington, D. C., December 10, 1900.

DEAR GENERAL: I inclose a letter from one of my constituents, and beg that you will have the case investigated at once, as the old man is very much worried. Please write me at once and return inclosed letter so I may send him your answer, and oblige,

Yours sincerely,

B. R. TILLMAN.

Gen. H. C. CORBIN,
Washington, D. C.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 14, 1900.

DEAR SIR: In reply to your letter of the 10th instant, inclosing a communication from one of your constituents making inquiry relative to his son, of Company G, Eighteenth United States Infantry, I have the honor to advise you that the latest information in possession of this office is contained in the muster roll of Company G, Eighteenth United States Infantry, dated April 30, 1900. This roll shows that the soldier was tried by a general court-martial, sentenced to be dishonorably discharged the service of the United States, and to be confined at hard labor under charge of the guard for the period of six months. The sentence of the court was promulgated in Special Orders, No. 92, Headquarters Visayan Military District, First Separate Brigade, Eighth Army Corps, Iloilo, P. I., April 7, 1900. The soldier was dishonorably discharged in compliance with the sentence April 7, 1900, at Saray, Panay, P. I.

The sentence of confinement expired in October, and this office has no information concerning his whereabouts.

Very respectfully,

JOHN A. JOHNSTON,
Assistant Adjutant-General.

Hon. B. R. TILLMAN,
United States Senate, Washington, D. C.

Mailed December 14, 1900.

Mr. TILLMAN. Mr. President, you will see that I very naturally fell into the error that this soldier had been discharged in the Philippines away from home, in a strange country, without any knowledge of the language, and I naturally thought it was a very wrong thing to do. I was informed this morning that I was mistaken as to the custom or the rule which prevails, though I

have not yet had any information as to whether that man has been brought home or not. But section 5 of General Orders, No. 96, from the Headquarters of the Army, makes provision—and I will have it inserted—for the transport home free of charge of men discharged in any of our island possessions. I was naturally led to suppose, from the answer I received, that this man had been discharged in the Philippines, and turned loose there to the tender mercies of our new subjects; but I find he could have come home, or may be has been sent home. I am, however, not to blame for having criticised the War Department, for they did not give me the proper information. This will show that Uncle Sam is a little more reasonable and civilized in his ideas than I thought.

I ask to have section 5 of General Order No. 96 printed in the RECORD.

The PRESIDENT pro tempore. That order will be made, in the absence of objection.

The section referred to is as follows:

5. An enlisted man a resident of the United States serving in the islands mentioned in paragraph 4 hereof, who is discharged the service in those islands by transfer to another branch of the service; or on his own application, whether by way of favor or by purchase; or because of confinement by the civil authorities; or by way of punishment for an offense or for disability caused by his own misconduct; or on account of fraudulent enlistment, is, by the operation of section 1290, Revised Statutes, and the act of March 16, 1896, (29 Stat. L., 63), prevented from being allowed the usual traveling allowances to the place of his enlistment, enrollment, or original muster into the service, but he will be brought by the Government to the United States on a transport free of charge.

EXECUTIVE SESSION.

Mr. PETTIGREW. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 5, 1901, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 4, 1901.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be surgeon with the rank of major.

Capt. Henry A. Shaw, assistant surgeon, United States Army, to be surgeon of volunteers with the rank of major, December 19, 1900, vice Hysell, honorably discharged.

Forty-eighth Infantry.

Corpl. George Steunenberg, Troop A, Eleventh Cavalry, United States Volunteers, to be first lieutenant, December 20, 1900, vice Cabanné, Forty-eighth Infantry, honorably discharged.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Capt. William W. Robinson, jr., assistant quartermaster, to be quartermaster with the rank of major, November 14, 1900, vice Booth, deceased.

Cavalry arm.

Second Lieut. Abraham G. Lott, Eighth Cavalry, to be first lieutenant, December 11, 1900, vice Bean, Second Cavalry, who resigns his line commission only.

Second Lieut. Edward L. King, Eighth Cavalry, to be first lieutenant, December 11, 1900, vice Hart, Seventh Cavalry, who resigns his line commission only.

Artillery arm.

First Lieut. John K. Cree, Sixth Artillery, to be captain, December 11, 1900, vice Chamberlain, First Artillery, who resigns his line commission only.

First Lieut. Lucien G. Berry, Seventh Artillery, to be captain, December 15, 1900, vice Chase, Fourth Artillery, promoted.

Second Lieut. William W. Hamilton, Second Artillery, to be first lieutenant, December 11, 1900, vice Cree, Sixth Artillery, promoted.

Second Lieut. William E. Cole, First Artillery, to be first lieutenant, December 15, 1900, vice Berry, Seventh Artillery, promoted.

Infantry arm.

First Lieut. Matthias Crowley, Seventh Infantry, to be captain, December 11, 1900 (subject to examination required by law), vice Kerr, Seventeenth Infantry, who resigns his line commission only.

First Lieut. Jacques de L. Lafitte, First Infantry, to be captain, December 11, 1900, vice McCain, Fourteenth Infantry, who resigns his line commission only.

First Lieut. John J. Bradley, Fourteenth Infantry, to be captain, December 17, 1900, vice Parker, Eighth Infantry, deceased.

APPOINTMENTS IN THE ARMY.

Ordinance Department.

First Lieut. Edwin D. Bricker, Seventeenth Infantry, to be first lieutenant, January 3, 1901, to fill an original vacancy.

Quartermaster's Department.

First Lieut. Arthur W. Yates, Fourth Infantry, to be assistant quartermaster, with the rank of captain, January 3, 1901, vice Robinson, promoted.

Subsistence Department.

First Lieut. Alexander M. Davis, Fourth Cavalry, to be commissary of subsistence, with the rank of captain, January 3, 1901, vice Davis, promoted.

PROMOTIONS IN THE VOLUNTEER ARMY.

Forty-third Infantry.

First Lieut. Henry J. Stewart, Forty-third Infantry, to be captain, December 31, 1900, vice Dow, honorably discharged.

Second Lieut. Walter S. Price, Forty-third Infantry, to be first lieutenant, December 31, 1900, vice Stewart, promoted.

Forty-sixth Infantry.

First Lieut. Charles F. Wonson, Forty-sixth Infantry, to be captain, December 30, 1900, vice McKenna, appointed inspector-general of volunteers.

Second Lieut. Frank S. Leisenring, Forty-sixth Infantry, to be first lieutenant, December 30, 1900, vice Wonson, promoted.

Forty-seventh Infantry.

Second Lieut. Paul W. Harrison, Forty-seventh Infantry, to be first lieutenant, December 25, 1900, vice Slack, deceased.

APPOINTMENTS IN THE VOLUNTEER ARMY.

First Lieut. Edward C. Brooks, Sixth Cavalry, United States Army, to be quartermaster of volunteers with the rank of major, January 3, 1901, vice Robinson, who vacates by reason of promotion to major and quartermaster, United States Army.

Capt. Charles Willcox, assistant surgeon, United States Army, to be surgeon of Volunteers with the rank of major, January 3, 1901, vice Thomason, honorably discharged.

PROMOTION IN THE VOLUNTEER ARMY.

Forty-eighth Infantry.

Second Lieut. John K. Rice, Forty-eighth Infantry, to be first lieutenant, December 23, 1900, vice Parker, honorably discharged.

APPOINTMENTS IN THE VOLUNTEER ARMY.

Thirtieth Infantry.

First Sergt. William B. Wallace, Company G, Thirtieth Infantry, to be second lieutenant, January 3, 1901, vice Cochnower, resigned.

Thirty-fourth Infantry.

First Sergt. John F. Murphy, Company G, Thirty-fourth Infantry, to be second lieutenant, January 3, 1901, vice Dunn, promoted.

Forty-first Infantry.

Battalion Sergt. Maj. Reuel E. Sherwood, Forty-first Infantry, to be second lieutenant, January 3, 1901, vice Bailey, honorably discharged.

Forty-eighth Infantry.

Q. M. Sergt. William L. Gee, Forty-eighth Infantry, to be second lieutenant, January 3, 1901, vice Rice, promoted.

APPOINTMENTS IN THE VOLUNTEER ARMY—GENERAL OFFICERS.

To be brigadier-generals.

Col. Samuel M. Whitside, Tenth Cavalry, United States Army, January 3, 1901.

Lieut. Col. James R. Campbell, Thirtieth Infantry, United States Volunteers, January 3, 1901.

Maj. Charles Bird, quartermaster, United States Army, January 3, 1901.

UNITED STATES MARSHAL.

Clinton D. MacDougall, of New York, to be marshal of the United States for the northern district of New York, vice Theodore L. Poole, deceased.

ATTORNEY-GENERAL OF PORTO RICO.

James F. Harlan, of Illinois, to be attorney-general of Porto Rico, vice John A. Russell, resigned.

James S. Harlan, of Illinois, to be attorney-general of Porto Rico, vice John A. Russell, resigned.

The name of James F. Harlan, which was delivered to the Senate January 3, 1901, is hereby withdrawn.

AUDITOR FOR THE WAR DEPARTMENT.

Frederick E. Rittman, of Ohio, to be Auditor for the War Department, in place of Frank H. Morris, deceased.

DEPUTY AUDITOR FOR THE POST-OFFICE DEPARTMENT.

Nolen L. Chew, of Indiana, to be deputy auditor for the Post-Office Department, to succeed Abram L. Lawshe, resigned.

ASSISTANT REGISTER OF THE TREASURY.

Cyrus F. Adams, of Illinois, to be assistant register of the Treasury, to succeed Nolen L. Chew, transferred.

CONSUL-GENERAL.

Oscar F. Williams, of New York, to be consul-general of the United States at Singapore, Straits Settlements, vice W. Irvin Shaw, deceased.

CONSUL.

Frank R. Mowrer, of Ohio, to be consul of the United States at Antigua, West Indies, vice Henry M. Hunt, deceased.

TRANSFER IN THE NAVY.

Commander Augustus G. Kellogg, United States Navy, retired, to be transferred from the furlough to the retired pay list, in accordance with the provisions of section 1594 of the Revised Statutes.

PROMOTIONS IN THE NAVY.

Commander John J. Hunker, to be a captain in the Navy, from the 11th day of December, 1900, vice Capt. John Lowe, retired.

Lieut. Commander Clinton K. Curtis, to be a commander in the Navy, from the 11th day of December, 1900, vice Commander John J. Hunker, promoted.

Lieut. John G. Quinby, to be a lieutenant-commander in the Navy, from the 11th day of December, 1900, vice Lieut. Commander Clinton K. Curtis, promoted.

Surg. Walter A. McClurg, to be a medical inspector in the Navy, from the 19th day of November, 1900, vice Medical Inspector Paul Fitzsimons, promoted.

First Lieut. Henry C. Davis, to be a captain in the United States Marine Corps, from the 23d day of July, 1900, to fill a vacancy existing in that grade.

Second Lieuts. Leof M. Harding, Richard M. Cutts, Harold C. Snyder, Olof H. Rask, Julius S. Turrill, George Herbert Mather, Henry L. Roosevelt, Jay M. Salladay, Macker Babb, and Harold C. Reisinger, to be first lieutenants in the United States Marine Corps, from the 23d day of July, 1900, to fill vacancies existing in that grade.

APPOINTMENTS IN THE NAVY.

Herbert Orlando Shiffert, a citizen of Pennsylvania, to be an assistant surgeon in the Navy, from the 26th day of December, 1900, to fill a vacancy existing in that grade.

John F. Hatch, a citizen of Vermont, to be an assistant paymaster in the Navy, from the 2d day of January, 1901, to fill a vacancy existing in that grade.

POSTMASTERS.

William B. Nichols, jr., to be postmaster at Lafayette, in the county of Chambers and State of Alabama.

William E. Reading, to be postmaster at Bodie, in the county of Mono and State of California.

Daniel T. Carlton, to be postmaster at Arcadia, in the county of De Soto and State of Florida.

Thomas A. Cleary, to be postmaster at Gulfport, in the county of Harrison and State of Mississippi.

Orville T. Putnam, to be postmaster at Pathfinder, in the county of Washington, District of Columbia.

Louise Alvarez, to be postmaster at Covington, in the county of St. Tammany and State of Louisiana.

Robert W. Hinton, to be postmaster at Lumberton, in the county of Pearl River and State of Mississippi.

C. J. Howard, to be postmaster at Cottage Grove, in the county of Lane and State of Oregon.

Edwin R. McCune, to be postmaster at Fayette City, in the county of Fayette and State of Pennsylvania.

Edmund P. Denton, to be postmaster at Hamilton, in the county of Hancock and State of Illinois, in the place of J. A. Anderson, whose commission expired March 19, 1898. Mr. Denton is now serving under a temporary commission issued during the recess of the Senate.

John J. West, to be postmaster at Willow, in the county of Glenn and State of California, in the place of Lizzie M. Calder, whose commission expired March 18, 1900.

J. H. Dungan, to be postmaster at Woodland, in the county of Yolo and State of California, in the place of C. E. Dingle, whose commission expires February 4, 1901.

Mary P. Dixon, to be postmaster at Westpoint, in the county of Troup and State of Georgia, in the place of Mary P. Dixon, whose commission expires January 26, 1901. Reappointed.

Edwin N. Bailey, to be postmaster at Britt, in the county of Hancock and State of Iowa, in the place of J. G. Duff, whose commission expires February 18, 1901.

A. R. Dyche, to be postmaster at London, in the county of Laurel and State of Kentucky, in the place of J. M. Young, whose commission expired March 10, 1900.

Lou S. Flournoy, to be postmaster at Ruston, in the parish of Lincoln and State of Louisiana, in the place of Lou S. Flournoy, whose commission expired January 9, 1900. Reappointed.

Euphemie Aucoin, to be postmaster at Thibodaux (late Thibodeaux), in the parish of Lafourche and State of Louisiana, in the place of Jennie Curtis, whose commission expires January 28, 1901.

Henry L. Lovell, to be postmaster at East Weymouth, in the county of Norfolk and State of Massachusetts, in the place of J. L. Lincoln, whose commission expired May 18, 1900.

Felicie Louise Delmas, to be postmaster at Scranton, in the county of Jackson and State of Mississippi, in the place of Felicie Louise Delmas, whose commission expired December 22, 1900. Reappointed.

Solomon R. McKay, to be postmaster at Troy, in the county of Lincoln and State of Missouri, in the place of J. H. Alexander, whose commission expires February 18, 1901.

Rodney G. Clarke, to be postmaster at Deming, in the county of Grant and Territory of New Mexico, in the place of Sarah Hodgdon, whose commission expired January 9, 1900.

Thomas Liddle, to be postmaster at Amsterdam, in the county of Montgomery and State of New York, in the place of E. J. Shanahan, whose commission expired December 22, 1900.

William B. Bundy, to be postmaster at Andover, in the county of Allegany and State of New York, in the place of J. E. Cannon, whose commission expired December 22, 1900.

Ezra C. Ferris, to be postmaster at Croton on Hudson, in the county of Westchester and State of New York, in the place of J. F. Hunt, whose commission expires February 9, 1901.

Johnson D. Neely, to be postmaster at Derry Station, in the county of Westmoreland and State of Pennsylvania, in the place of H. M. Bennett, whose commission expires February 15, 1901.

Samuel C. Seaber, to be postmaster at Lititz, in the county of Lancaster and State of Pennsylvania, in the place of L. G. Pfautz, whose commission expires January 28, 1901.

J. L. Hickson, to be postmaster at Gainesville, in the county of Cooke and State of Texas, in the place of A. L. Fairchild, whose commission expires January 12, 1901.

William F. Wieland, to be postmaster at Weatherford, in the county of Parker and State of Texas, in the place of L. W. Christian, whose commission expired May 29, 1900.

Ernest A. de Bordenave, to be postmaster at Franklin, in the county of Southampton and State of Virginia, in the place of A. M. Brownley, whose commission expired June 8, 1900.

Francis M. Johnson, to be postmaster at Bessemer, in the county of Jefferson and State of Alabama, in the place of J. C. Wilson, removed.

George W. Summers, to be postmaster at Gunnison, in the county of Gunnison and State of Colorado, in the place of M. C. Deering, resigned.

James M. Ranstead, to be postmaster at Bremen, in the county of Marshall and State of Indiana, in the place of O. F. S. Miller, deceased.

Charles D. Davidson, to be postmaster at Whiting, in the county of Lake and State of Indiana, in the place of Henry Schrage, jr., resigned.

Albert R. Kullmer, to be postmaster at Dysart, in the county of Tama and State of Iowa, in the place of John Kullmer, jr., resigned.

John H. Rowland, to be postmaster at Cloverport, in the county of Breckinridge and State of Kentucky, in the place of J. D. Wilson, deceased.

James S. Thomson, to be postmaster at Lake Charles, in the parish of Calcasieu and State of Louisiana, in the place of G. H. Woolman, removed.

Walter S. Leaming, to be postmaster at Cape May, in the county of Cape May and State of New Jersey, in the place of F. L. Richardson, deceased.

William H. Jernee, to be postmaster at Jamesburg, in the county of Middlesex and State of New Jersey, in the place of H. L. Jaques, resigned.

Felix R. Bray, to be postmaster at Jackson, in the county of Madison and State of Tennessee, in the place of W. M. Moss, removed.

Willard G. Saltzman, to be postmaster at Charlottesville, in the county of Albemarle and State of Virginia, in the place of Mary H. S. Long, deceased.

Howard P. Dodge, to be postmaster at Manassas, in the county of Prince William and State of Virginia, in the place of Mildred H. Davis, removed.

WITHDRAWALS.

Executive nominations withdrawn January 4, 1901.

First Lieut. John K. Crée and Second Lieut. William H. Hamilton, nominated to the Senate on the 19th instant, for promotion in the artillery arm, for the purpose of renominating these officers with an earlier date of rank.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 4, 1901.

The House was called to order by the Clerk, Hon. ALEXANDER McDOWELL, who directed the reading of the following communication:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., January 4, 1901.

To the House of Representatives:

I hereby designate and name Mr. JOHN DALZELL, a Representative from the State of Pennsylvania, to perform the duties of the Chair during this day, January 4, 1901.

D. B. HENDERSON,
Speaker of the House of Representatives.

Mr. DALZELL accordingly took the chair as Speaker pro tempore.

Prayer was offered by the Chaplain, Rev. HENRY N. COUDEN. The Journal of the proceedings of yesterday was read and approved.

RETURN OF BILL TO THE HOUSE OF REPRESENTATIVES.

Mr. LACEY. Mr. Speaker, I offer the privileged resolution which I send to the desk.

The SPEAKER pro tempore. The resolution will be read. The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring). That the President of the United States is hereby requested to return to the House the bill (H. R. 2955) entitled "An act providing for a survey of township No. 8 of range No. 30 west, of the sixth meridian, in Frontier County, State of Nebraska," in order to correct an error whereby the bill has been enrolled as an act of the first instead of the second session of the Fifty-sixth Congress.

Mr. LACEY. Mr. Speaker, by way of explanation, I desire to state that this bill was enrolled, so far as the printing was concerned, in the last session—that is, the first session of the present Congress. It was signed by the Speaker of the House, but the enrollment of the bill was not completed, as the President of the Senate did not sign it at that time. The President of the Senate has signed it during the present session and forwarded it to the Executive, who approved it. It was afterwards ascertained that this error in dates had occurred, and the President has erased his name from it and called the attention of the Speaker of the House to the discrepancy in the dates. This concurrent resolution simply brings the bill back to the House in order to make the necessary correction.

Mr. RICHARDSON of Tennessee. I did not catch the entire statement of the gentleman from Iowa; but as I understand it, this in no way adjudicates the question presented by the bill.

Mr. LACEY. In no way whatever. It is simply a concurrent resolution asking the return of the bill from the President.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection. The resolution was considered, and agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. BURKE of South Dakota, for ten days, on account of important business.

To Mr. NEVILLE, indefinitely, on account of sickness.

To Mr. CAMPBELL, indefinitely, on account of important business.

To Mr. TALBERT, indefinitely, on account of sickness.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. MIERS of Indiana to withdraw from the files of the House, without leaving copies, papers in the case of Johnson White in the Fifty-sixth Congress, there being no adverse report.

RIVER AND HARBOR BILL.

Mr. BURTON, from the Committee on Rivers and Harbors, reported a bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which was read a first and second time, and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to reserve all points of order on the bill.

The SPEAKER pro tempore. The points of order are reserved.

ORDER OF BUSINESS.

Mr. GRAFF. Mr. Speaker, it is evident that the Committee on Claims will not have an opportunity to have bills considered from that committee to-day, and I therefore ask unanimous consent to set apart next Tuesday as the day on which bills may be considered in their proper order on the Calendar as reported from the Committee on Claims.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. SWANSON. Mr. Speaker, I object.

REPRESENTATION.

Mr. OLMSTED. Mr. Speaker, I—
Mr. UNDERWOOD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. After counting the House, the Speaker pro tempore announced 142 members, not a quorum, present.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

Mr. STEELE. Let us have the yeas and nays at once, Mr. Speaker.

The yeas and nays were ordered. The question was taken; and there were—yeas 84, nays 105, answered "present" 18, not voting 148; as follows:

YEAS—84.

- | | | | |
|------------------|--------------|-------------------|-----------------|
| Adamson, | Finley, | McAleer, | Shafroth, |
| Atwater, | Fox, | McClellan, | Sheppard, |
| Ball, | Gaines, | McCulloch, | Sims, |
| Bankhead, | Gilbert, | McDermott, | Slayden, |
| Bell, | Gordon, | McLain, | Small, |
| Benton, | Griffith, | Maddox, | Snodgrass, |
| Brundidge, | Hay, | Miers, Ind. | Sparkman, |
| Burleson, | Henry, Miss. | Moon, | Spight, |
| Burnett, | Johnston, | Newlands, | Stark, |
| Caldwell, | King, | Quarles, | Stephens, Tex. |
| Catchings, | Kitchin, | Rhea, Ky. | Sutherland, |
| Clark, Mo. | Kleberg, | Rhea, Va. | Swanson, |
| Cooper, Tex. | Kluttz, | Richardson, Ala. | Tate, |
| Cowherd, | Lamb, | Richardson, Tenn. | Taylor, Ala. |
| Crowley, | Lanham, | Rixey, | Turner, |
| Davenport, S. W. | Lassiter, | Robb, | Underwood, |
| Davis, | Lester, | Robinson, Ind. | Vandiver, |
| Denny, | Lewis, | Rucker, | Williams, J. R. |
| Dinsmore, | Little, | Ryan, N. Y. | Wilson, N. Y. |
| Dougherty, | Livingston, | Ryan, Pa. | Wilson, S. C. |
| Elliott, | Lloyd, | Salmon, | Zenor. |

NAYS—105.

- | | | | |
|------------------|----------------|---------------|-----------------|
| Adams, | Esch, | Lacey, | Russell, |
| Aldrich, | Fletcher, | Lawrence, | Shattuc, |
| Alexander, | Foss, | Littlefield, | Shaw, |
| Allen, Me. | Gibson, | Long, | Showalter, |
| Baker, | Gillet, N. Y. | Loud, | Sibley, |
| Barham, | Gillett, Mass. | Loudenslager, | Smith, H. C. |
| Bingham, | Graff, | Lovering, | Southard, |
| Bishop, | Graham, | McCall, | Sperry, |
| Borwing, | Greene, Mass. | Mann, | Sprague, |
| Bowersock, | Grosvenor, | Minor, | Steele, |
| Brick, | Grout, | Mondell, | Stewart, N. J. |
| Brownwell, | Grow, | Moody, Mass. | Taylor, Ohio |
| Brownlow, | Hamilton, | Moody, Oreg. | Thomas, Iowa |
| Burkett, | Heatwole, | Morris, | Tongue, |
| Burleigh, | Hedge, | Mudd, | Vreeland, |
| Burton, | Hemenway, | Needham, | Wachter, |
| Calderhead, | Hepburn, | O'Grady, | Warner, |
| Cannell, | Hoffecker, | Olmsted, | Weaver, |
| Conner, | Hopkins, | Packer, Pa. | Weeks, |
| Croner, | Howell, | Parker, N. J. | White, |
| Curtis, | Jack, | Payne, | Williams, Miss. |
| Dalzell, | Jenkins, | Pearson, | Woods, |
| Davenport, S. A. | Jones, Wash. | Pearre, | Young, |
| Davidson, | Joy, | Powers, | Ziegler. |
| Dovener, | Kahn, | Pugh, | |
| Eddy, | Kerr, Md. | Reeder, | |
| Emerson, | Knox, | Roberts, | |

ANSWERED "PRESENT"—18.

- | | | | |
|---------------|--------------|------------|-----------------|
| Allen, Ky. | Broussard, | Green, Pa. | Ray, N. Y. |
| Bellamy, | Burke, Tex. | Jones, Va. | Ridgely, |
| Boutell, Ill. | De Armond, | Latimer, | Williams, W. E. |
| Breazeale, | Fitzpatrick, | Mahon, | |
| Brenner, | Gaston, | Metcalf, | |

NOT VOTING—148.

- | | | | |
|-----------------|-------------------|----------------|------------------|
| Acheson, | Cusack, | Lane, | Robinson, Nebr. |
| Allen, Miss. | Cushman, | Lentz, | Rodenberg, |
| Babcock, | Dahle, | Levy, | Ruppert, |
| Bailey, Kans. | Davey, | Linney, | Scudder, |
| Bailey, Tex. | Dayton, | Littauer, | Shackleford, |
| Barber, | De Graffenreid, | Lorimer, | Shelden, |
| Bartholdt, | Dick, | Lybrand, | Sherman, |
| Bartlett, | Driggs, | McCleary, | Smith, Ill. |
| Berry, | Driscoll, | McDowell, | Smith, Iowa. |
| Boutelle, Ma. | Faris, | McRae, | Smith, Ky. |
| Bradley, | Fitzgerald, Mass. | Marsh, | Smith, Samuel W. |
| Brantley, | Fitzgerald, N. Y. | May, | Smith, Wm. Alden |
| Brewer, | Fleming, | Meekison, | Spalding, |
| Brosius, | Fordney, | Mercer, | Stallings, |
| Brown, | Foster, | Mesick, | Stevens, Minn. |
| Bull, | Fowler, | Meyer, La. | Stewart, N. Y. |
| Burke, S. Dak. | Freer, | Miller, | Stewart, Wis. |
| Butler, | Gamble, | Morgan, | Stokes, |
| Campbell, | Gardner, Mich. | Morrell, | Sulloway, |
| Cannon, | Gardner, N. J. | Muller, | Sulzer, |
| Capron, | Gayle, | Naphen, | Talbert, |
| Carmack, | Gill, | Neville, | Tawney, |
| Chanler, | Glynn, | Noonan, | Terry, |
| Clarke, N. H. | Griggs, | Norton, Ohio | Thayer, |
| Clayton, Ala. | Hall, | Norton, S. C. | Thomas, N. C. |
| Clayton, N. Y. | Haugen, | Otey, | Thropp, |
| Cochran, Mo. | Hawley, | Otjen, | Tompkins, |
| Cochrane, N. Y. | Henry, Conn. | Overstreet, | Underhill, |
| Cooney, | Henry, Tex. | Pearce, Mo. | Van Voorhis, |
| Cooper, Wis. | Hill, | Phillips, | Wadsworth, |
| Corliss, | Hitt, | Pierce, Tenn. | Wanger, |
| Cousins, | Howard, | Polk, | Waters, |
| Cox, | Hull, | Prince, | Watson, |
| Crump, | Jett, | Ransdell, | Weymouth, |
| Crumpacker, | Kerr, Ohio, | Reeves, | Wheeler, |
| Cummings, | Ketcham, | Riordan, | Wilson, Idaho. |
| | Landis, | Robertson, La. | Wright. |

So the motion to adjourn was rejected.
The Clerk announced the following pairs:
Until further notice:

Mr. GARDNER of Michigan with Mr. SCUDDER.
Mr. CUSHMAN with Mr. STALLINGS.
Mr. McCLEARY with Mr. POLK.
Mr. LANDIS with Mr. DRIGGS.
Mr. COUSINS with Mr. UNDERHILL.
Mr. CLARKE of New Hampshire with Mr. FLEMING.
Mr. CAPRON with Mr. SMITH of Kentucky.
Mr. BROWN with Mr. WILSON of Idaho.
Mr. GARDNER of New Jersey with Mr. GLYNN.
Mr. RODENBERG with Mr. GAYLE.
Mr. DICK with Mr. DAVEY.
Mr. THROPP with Mr. BREWER.
Mr. PEARCE of Missouri with Mr. RANSELL.
Mr. GILL with Mr. BELLAMY.
Mr. DAYTON with Mr. MEYER of Louisiana.
Mr. VAN VOORHIS with Mr. STOKES.
Mr. TOMPKINS with Mr. CLAYTON of Alabama.
Mr. OVERSTREET with Mr. ROBERTSON of Louisiana.
Mr. TAWNEY with Mr. SULZER.
Mr. MESICK with Mr. LENTZ.
Mr. BOUTELL of Illinois with Mr. GRIGGS.
Mr. HAUGH with Mr. ROBINSON of Nebraska.
Mr. COCHRANE of New York with Mr. SHACKLEFORD.
Mr. FORDNEY with Mr. CARMACK.
Mr. CRUMP with Mr. FITZGERALD of Massachusetts.
Mr. STEWART of New York with Mr. FITZGERALD of New York.
Mr. BABCOCK with Mr. BAILEY of Texas.
Mr. BARNEY with Mr. DE GRAFFENREID.
Mr. COOPER of Wisconsin with Mr. ALLEN of Mississippi.
Mr. HITT with Mr. CHANLER.
Mr. DRISCOLL with Mr. RUPPERT.
Mr. MARSH with Mr. BRANTLEY.
Mr. SHERMAN with Mr. HENRY of Texas.
Mr. MAHON with Mr. OTEY.
Mr. BURKE of South Dakota with Mr. NAPHEN.
Mr. CANNON with Mr. McRAE.
Mr. WEYMOUTH with Mr. COONEY.
Mr. HULL with Mr. BROUSSARD.
Mr. SPALDING with Mr. TALBERT.
Mr. METCALF with Mr. WHEELER.
Mr. KETCHAM with Mr. MULLER.
Mr. WRIGHT with Mr. HALL.
Mr. BULL with Mr. NOONAN.
Mr. MERCER with Mr. THOMAS of North Carolina.
Mr. FREER with Mr. CUSACK.
Mr. LANE with Mr. PIERCE of Tennessee.
Mr. GAMBLE with Mr. CAMPBELL.
Mr. BARTHOLDT with Mr. JETT.
Mr. WANGER with Mr. BARTLETT.
Mr. ACHESON with Mr. NEVILLE.
Mr. SULLOWAY with Mr. THAYER.
Mr. FARIS with Mr. BARBER.
Mr. REEVES with Mr. COCHRAN of Missouri.
Mr. SAMUEL W. SMITH with Mr. LEVY.
Mr. WM. ALDEN SMITH with Mr. MEEKISON.
Mr. LITTAUER with Mr. CLAYTON of New York.
Mr. WATSON with Mr. NORTON of Ohio.
Mr. SMITH of Iowa with Mr. MAY.
For the session:
Mr. MORRELL with Mr. GREEN of Pennsylvania.
Until January 16:
Mr. RAY of New York with Mr. TERRY.
Until January 7:
Mr. STEWART of Wisconsin with Mr. NORTON of South Carolina.
Mr. PHILLIPS with Mr. BREAZEALE.
Until January 6:
Mr. CORLISS with Mr. HOWARD.
Until January 4:
Mr. HENRY of Connecticut with Mr. ALLEN of Kentucky.
Mr. BAILEY of Kansas with Mr. RIDGELY.
For this day:
Mr. OTJEN with Mr. CUMMINGS.
Mr. SHELDEN with Mr. FOSTER.
Mr. FOWLER with Mr. McDOWELL.
On this vote:
Mr. DOVENER with Mr. LATIMER.
Mr. MILLER with Mr. RIORDAN.
Until 2 o'clock this day:
Mr. HILL with Mr. BERRY.
The result of the vote was announced as above recorded.
Mr. OLMSTED. Mr. Speaker—
Mr. UNDERWOOD. Mr. Speaker, a parliamentary inquiry.

Is the vote by which the question of consideration was raised yesterday the business before the House?

The SPEAKER pro tempore. The question now is on the order of the House ordering the yeas and nays on the motion on the question of consideration. The yeas and nays are already ordered, and if the gentleman from Pennsylvania [Mr. OLMSTED] calls up that business, that is the regular order.

Mr. OLMSTED. As I understand it, the regular order is the calling of the yeas and nays on the question of consideration raised by the gentleman from Alabama.

The SPEAKER pro tempore. That is the regular order now.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to ask if the gentleman will not now consent that this resolution be committed to the Committee on the Census. I make that request.

In order to save time, I offer that. Instead of calling the yeas and nays, which have been ordered on the question of consideration, I ask that the resolution be committed to the proper committee, the Committee on Census.

Mr. OLMSTED. When the House has voted to consider this resolution, then I will consider a suggestion of that kind. I may say that it had been my intention at the proper time—at least I had seriously thought of offering such a resolution; but I prefer that the yeas and nays be taken on the question of consideration.

Mr. RICHARDSON of Tennessee. Then I submit to my distinguished friend that it will take forty-five minutes of valuable time to take the yeas and nays on the question of consideration.

Mr. OLMSTED. I think that this side of the House can take all the responsibility that it will be called upon to bear for time wasted in this matter.

Mr. RICHARDSON of Tennessee. Very good; then I hope the gentleman will not intimate that there is any desire to waste time on this side. We are ready to go on with the public business.

Mr. OLMSTED. I have made no such suggestion; but if the shoe fits anybody, he can wear it.

The SPEAKER pro tempore. The question is on considering the resolution offered by the gentleman from Pennsylvania, on which the yeas and nays have been ordered. The Clerk will call the roll.

The question was taken: and there were—yeas 104, nays 91, answered "present" 10, not voting 150; as follows:

YEAS—104.

Adams,	Emerson,	Kerr, Ohio	Pugh,
Aldrich,	Esch,	Knox,	Reeder,
Alexander,	Fletcher,	Lacey,	Russell,
Allen, Me.	Foss,	Lawrence,	Ryan, Pa.
Barham,	Gibson,	Linney,	Shattuc,
Bingham,	Gillet, N. Y.	Littlefield,	Shaw,
Bishop,	Gillett, Mass.	Long,	Showalter,
Boreing,	Graff,	Loud,	Smith, Ill.
Bowersock,	Graham,	Lovering,	Smith, H. C.
Brick,	Greene, Mass.	McCall,	Southard,
Bromwell,	Grosvenor,	Mann,	Sperry,
Brownlow,	Grout,	Miller,	Sprague,
Bull,	Grow,	Minor,	Steele,
Burkett,	Hamilton,	Mondell,	Stewart, N. J.
Burleigh,	Hedge,	Moody, Mass.	Taylor, Ohio
Calderhead,	Hemenway,	Moody, Oreg.	Thomas, Iowa
Capron,	Hepburn,	Morris,	Thropp,
Connell,	Hoffecker,	Mudd,	Vreeland,
Conner,	Hopkins,	O'Grady,	Wachter,
Cromer,	Howell,	Olmsted,	Wadsworth,
Curtis,	Jack,	Packer, Pa.	Warner,
Dalzell,	Jenkins,	Parker, N. J.	Weaver,
Davenport, S. A.	Jones, Wash.	Payne,	Weeks,
Davidson,	Joy,	Pearson,	White,
Dovener,	Kahn,	Pearre,	Woods,
Eddy,	Kerr, Md.	Powers,	Young.

NAYS—91.

Adamson,	Finley,	Lloyd,	Sheppard,
Atwater,	Fleming,	McAleer,	Sibley,
Ball,	Fox,	McClellan,	Slayden,
Bankhead,	Gaines,	McCulloch,	Small,
Bell,	Gilbert,	McDermott,	Snodgrass,
Benton,	Gordon,	McLain,	Sparkman,
Brenner,	Griffith,	Maddox,	Spight,
Brewer,	Hay,	Meekison,	Stark,
Brundidge,	Henry, Miss.	Miers, Ind.	Stephens, Tex.
Burke, Tex.	Johnston,	Moon,	Sutherland,
Burleson,	Jones, Va.	Newlands,	Swanson,
Burnett,	King,	Polk,	Taylor, Ala.
Caldwell,	Kitchin,	Quarles,	Turner,
Catchings,	Kleberg,	Rhea, Ky.	Underwood,
Clark, Mo.	Klutz,	Richardson, Ala.	Vandiver,
Cooper, Tex.	Lamb,	Richardson, Tenn.	Williams, J. R.
Cowherd,	Lanham,	Rixey,	Williams, W. E.
Crowley,	Lassiter,	Robb,	Williams, Miss.
Davenport, S. W.	Latimer,	Robinson, Ind.	Wilson, N. Y.
Davis,	Lester,	Rucker,	Wilson, S. C.
De Armond,	Lewis,	Ryan, N. Y.	Zenor,
Dougherty,	Little,	Salmon,	Ziegler.
Elliott,	Livingston,	Shafroth,	

ANSWERED "PRESENT"—10.

Allen, Ky.	Breazeale,	Napfen,	Roberts.
Bellamy,	Mahon,	Ray, N. Y.	
Boutell, Ill.	Metcalf,	Ridgely,	

NOT VOTING—150.

Acheson,	Cushman,	Ketcham,	Rodenberg,
Allen, Miss.	Dahle,	Landis,	Ruppert,
Babcock,	Davey,	Lane,	Scudder,
Bailey, Kans.	Dayton,	Lentz,	Shackleford,
Bailey, Tex.	De Graffenreid,	Levy,	Shelden,
Baker,	Denny,	Littauer,	Sherman,
Barber,	Dick,	Lorimer,	Sims,
Barney,	Dinsmore,	Loudenslager,	Smith, Iowa
Bartholdt,	Driggs,	Lybrand,	Smith, Ky.
Bartlett,	Driscoll,	McCleary,	Smith, Samuel W.
Berry,	Faris,	McDowell,	Smith, Wm. Alden
Boutelle, Ma.	Fitzgerald, Mass.	McRae,	Spalding,
Bradley,	Fitzgerald, N. Y.	Marsh,	Stallings,
Brantley,	Fitzpatrick,	May,	Stevens, Minn.
Brossius,	Fordney,	Mercer,	Stewart, N. Y.
Broussard,	Foster,	Mesick,	Stewart, Wis.
Brown,	Fowler,	Meyer, La.	Stokes,
Burke, S. Dak.	Freer,	Morgan,	Sulloway,
Burton,	Gamble,	Morrell,	Sulzer,
Butler,	Gardner, Mich.	Muller,	Talbert,
Campbell,	Gardner, N. J.	Needham,	Tate,
Cannon,	Gaston,	Neville,	Tawney,
Carmack,	Gayle,	Noonan,	Terry,
Chanler,	Gill,	Norton, Ohio	Thayer,
Clarke, N. H.	Glynn,	Norton, S. C.	Thomas, N. C.
Clayton, Ala.	Green, Pa.	Otey,	Tompkins,
Clayton, N. Y.	Griggs,	Otjen,	Tongue,
Cochran, Mo.	Hall,	Overstreet,	Underhill,
Cochrane, N. Y.	Haugen,	Pearce, Mo.	Van Voorhis,
Cooney,	Hawley,	Pierce, Tenn.	Wanger,
Cooper, Wis.	Heatwole,	Phillips,	Waters,
Corniss,	Henry, Conn.	Prince,	Watson,
Cousins,	Henry, Tex.	Ransdell,	Weymouth,
Cox,	Hill,	Reeves,	Wheeler,
Crump,	Hitt,	Rhea, Va.	Wilson, Idaho
Crumpacker,	Howard,	Riordan,	Wright.
Cummings,	Hull,	Robertson, La.	
Cusack,	Jett,	Robinson, Nebr.	

The following additional pairs were announced:

Mr. ROBERTS with Mr. NAPHEN, on the Olmsted resolution.

On this vote:

Mr. DAHLE with Mr. SIMS.

Mr. HEATWOLE with Mr. TATE.

Mr. NEEDHAM with Mr. RIORDAN.

The result of the vote was then announced as above recorded.

Mr. OLMSTED. Mr. Speaker, on this resolution I demand the previous question until its final passage.

Mr. RICHARDSON of Tennessee. I move to commit the resolution to the Committee on the Census.

Mr. OLMSTED. I make the point of order that that motion is not in order.

The SPEAKER pro tempore. The motion of the gentleman from Tennessee, in the opinion of the Chair, is not in order, the demand for the previous question having precedence. The Clerk will read the rule.

The Clerk read as follows:

When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely; which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

The SPEAKER pro tempore. The question is on the demand of the gentleman from Pennsylvania for the previous question.

Mr. UNDERWOOD. I move to postpone the consideration indefinitely.

The SPEAKER pro tempore. The gentleman's motion is not in order.

The question was taken on ordering the previous question, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. UNDERWOOD. Division.

The House divided; and there were—ayes 64, noes 72.

Mr. OLMSTED. I demand the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

Mr. RICHARDSON of Tennessee. Pending that demand, I move that the resolution be laid on the table.

Mr. PAYNE. But the question is being taken on the demand for the previous question—

Mr. RICHARDSON of Tennessee. It takes precedence over the demand for the previous question.

Mr. PAYNE. And the yeas and nays have been ordered.

The SPEAKER pro tempore. The House has already ordered the yeas and nays on the motion of the gentleman from Pennsylvania for the previous question, and the motion of the gentleman from Tennessee is not in order. The Clerk will call the roll.

The question was taken; and there were—yeas 103, nays 98, answered "present" 10, not voting 144; as follows:

YEAS—103.

Adams,	Bishop,	Bull,	Cousins,
Aldrich,	Boreing,	Burkett,	Cromer,
Alexander,	Bowersock,	Calderhead,	Curtis,
Allen, Me.	Brick,	Capron,	Dalzell,
Barham,	Bromwell,	Connell,	Davenport, S. A.
Bingham,	Brownlow,	Conner,	Davidson,

Dovener,	Jenkins,	Moody, Mass.	Southard,
Eddy,	Jones, Wash.	Moody, Oreg.	Sperry,
Emerson,	Joy,	Morris,	Sprague,
Esch,	Kahn,	Mudd,	Steele,
Fletcher,	Kerr, Md.	O'Grady,	Stewart, N. J.
Foss,	Kerr, Ohio.	Olmsted,	Taylor, Ohio
Gilson,	Knox,	Packer, Pa.	Thomas, Iowa
Gillet, N. Y.	Lacey,	Parker, N. J.	Thropp,
Graff,	Lawrence,	Payne,	Tongue,
Graham,	Linney,	Pearson,	Vreeland,
Greene, Mass.	Littlefield,	Pearre,	Wachter,
Grosvenor,	Long,	Powers,	Wadsworth,
Grow,	Loud,	Prince,	Warner,
Hamilton,	Loudenslager,	Reeder,	Waters,
Hedge,	Lovering,	Russell,	Weaver,
Hepburn,	McCall,	Shattuc,	Weeks,
Hill,	Mann,	Shaw,	White,
Hoffecker,	Miller,	Showalter,	Woods,
Howell,	Minor,	Smith, Ill.	Young.
Jack,	Mondell,	Smith, H. C.	

NAYS—98.

Adamson,	Elliott,	Lloyd,	Shafroth,
Atwater,	Finley,	McAleer,	Sheppard,
Ball,	Fitzpatrick,	McClellan,	Sims,
Bell,	Fleming,	McCulloch,	Slayden,
Benton,	Fox,	McDermott,	Small,
Berry,	Gaines,	McLain,	Snodgrass,
Brenner,	Gaston,	Maddox,	Sparkman,
Brewer,	Gordon,	Meekison,	Spight,
Broussard,	Griffith,	Miers, Ind.	Stark,
Brundidge,	Hay,	Moon,	Stephens, Tex.
Burke, Tex.	Henry, Miss.	Newlands,	Swanson,
Burleson,	Johnston,	Norton, Ohio.	Tate,
Burnett,	Jones, Va.	Polk,	Taylor, Ala.
Caldwell,	King,	Quarles,	Turner,
Clark, Mo.	Kitchin,	Rhea, Ky.	Underwood,
Cochran, Mo.	Kleberg,	Rhea, Va.	Vandiver,
Cooper, Tex.	Kluttz,	Richardson, Ala.	Williams, J. R.
Cowherd,	Lamb,	Richardson, Tenn.	Williams, W. E.
Crowley,	Lanham,	Rixey,	Williams, Miss.
Davenport, S. W.	Lassiter,	Robb,	Wilson, N. Y.
Davis,	Latimer,	Robinson, Ind.	Wilson, S. C.
De Armond,	Lester,	Rucker,	Zenor,
Denny,	Lewis,	Ryan, N. Y.	Ziegler.
Dinsmore,	Little,	Ryan, Pa.	
Dougherty,	Livingston,	Salmon,	

ANSWERED "PRESENT"—10.

Allen, Ky.	Dayton,	Metcalf,	Roberts.
Boutell, Ill.	Green, Pa.	Ray, N. Y.	
Breazeale,	Mahon,	Ridgely,	

NOT VOTING—144.

Acheson,	Cummings,	Hull,	Robertson, La.
Allen, Miss.	Cusack,	Jett,	Robinson, Nebr.
Babcock,	Cushman,	Ketcham,	Rodenberg,
Bailey, Kans.	Dahle,	Landis,	Ruppert,
Bailey, Tex.	Davey,	Lane,	Scudder,
Baker,	De Graffenreid,	Lentz,	Shackleford,
Bankhead,	Dick,	Levy,	Shelden,
Barber,	Driggs,	Littauer,	Sherman,
Barney,	Driscoll,	Lorimer,	Sibley,
Bartholdt,	Faris,	Lybrand,	Smith, Iowa.
Bartlett,	Fitzgerald, Mass.	McCleary,	Smith, Ky.
Bellamy,	Fitzgerald, N. Y.	McDowell,	Smith, Samuel W.
Boutelle, Me.	Fordney,	McRae,	Smith, Wm. Alden
Bradley,	Foster,	Marsh,	Spalding,
Brantley,	Fowler,	May,	Stallings,
Brossius,	Freer,	Mercer,	Stevens, Minn.
Brown,	Gamble,	Mesick,	Stewart, N. Y.
Burke, S. Dak.	Gardner, Mich.	Meyer, La.	Stewart, Wis.
Burleigh,	Gardner, N. J.	Morgan,	Stokes,
Burton,	Gayle,	Morrell,	Sulloway,
Butler,	Gilbert,	Muller,	Sulzer,
Campbell,	Gill,	Naphe,	Sutherland,
Cannon,	Gillett, Mass.	Needham,	Talbert,
Carmack,	Glynn,	Neville,	Tawney,
Catchings,	Griggs,	Noonan,	Terry,
Chanler,	Grout,	Norton, S. C.	Thayer,
Clarke, N. H.	Hall,	Otey,	Thomas, N. C.
Clayton, Ala.	Haugen,	Otjen,	Tompkins,
Clayton, N. Y.	Hawley,	Overstreet,	Underhill,
Cochrane, N. Y.	Heatwole,	Pearce, Mo.	Van Voorhis,
Cooney,	Hemenway,	Pierce, Tenn.	Wanger,
Cooper, Wis.	Henry, Conn.	Phillips,	Watson,
Corniss,	Henry, Tex.	Pugh,	Weymouth,
Cox,	Hitt,	Ransdell,	Wheeler,
Crump,	Hopkins,	Reeves,	Wilson, Idaho
Crumpacker,	Howard,	Riordan,	Wright.

Mr. TAYLOR of Alabama. Mr. Speaker, I was present at the first call, but did not hear my name.

The SPEAKER pro tempore. Was the gentleman present and listening for his name when it should have been called, but did not hear it?

Mr. TAYLOR of Alabama. Yes, sir.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The name of Mr. TAYLOR of Alabama was called, and he voted "no," as above recorded.

Mr. GROW. Mr. Speaker, I was present in my seat, but did not hear my name called.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

Mr. GROW's name was called, and he voted "aye," as above recorded.

The following additional pairs were announced:

Until further notice:

Mr. BURLEIGH with Mr. NOONAN.

Mr. HULL with Mr. GILBERT.

Mr. GROUT with Mr. BRADLEY.

On this vote:

Mr. HEATWOLE with Mr. CATCHINGS.

The SPEAKER pro tempore. The vote is very close, and the Chair prefers to have a recapitulation.

The Clerk recapitulated the vote.

Mr. PEARSON. Mr. Speaker, having reason to believe that this resolution will be referred to the Committee on Census, and that ample opportunity will be given for debate. I change my vote from "no" to "aye."

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called Mr. PEARSON'S name, and he voted "aye," as above recorded.

The vote was then announced as above recorded.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for twenty minutes.

Mr. OLMSTED. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. SHATTUC].

Mr. SHATTUC. Mr. Speaker, it has been my intention to deliver some remarks on the fourteenth amendment, but as it would take about three-quarters of an hour, and I have only five minutes' time, I can not express myself in the allotted time. It was my intention to offer an original proposition or resolution on its own merits. I will have it read from the Clerk's desk and let it go as a substitute for the pending resolution to the Committee on Census by agreement with my distinguished friend from Pennsylvania [Mr. OLMSTED]. If I can get the time before the Committee of the Whole House when it is considering the census bill, I will make some observations in regard to the duty of the House as to reapportionment under the fourteenth amendment.

Mr. RICHARDSON of Tennessee. I understand the gentleman from Ohio [Mr. SHATTUC] has this read in his own time.

The SPEAKER pro tempore. Yes; for the information of the House.

The Clerk read as follows:

Whereas the continued enjoyment of full representation in this House by any State which has, for reasons other than participation in rebellion or other crime, denied to any of the male inhabitants thereof, being 21 years of age and citizens of the United States, the right to vote for Representatives in Congress, Presidential electors, and other specified officers, is in direct violation of the fourteenth amendment to the Constitution of the United States, which declares that in such case "the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State," and is an invasion of the rights and dignity of this House and of its members, and an infringement upon the rights and privileges in this House of other States and their representatives; and

Whereas the States of Massachusetts, Maine, Connecticut, Delaware, California, Louisiana, Mississippi, North Carolina, South Carolina, Wyoming, Oregon, and other States do, by the provisions of the constitutions and statutes of said States, and for reasons other than participation in rebellion or other crime, deny the right to vote for members of Congress and Presidential electors, as well as the executive and judicial officers of such States and members of the legislatures thereof, to male inhabitants 21 years of age and over and citizens of the United States; and such denial in certain of the said States extends to more than one-half of those who prior to the last apportionment of representation were entitled to vote in such States; and

Whereas in order that the apportionment of membership of the House of Representatives may be determined in a constitutional manner: Therefore, be it

Resolved by the House of Representatives, That the Director of the Census is hereby directed to furnish this House, at the earliest possible moment, the following information:

First. The total number of male citizens of the United States over 21 years of age in each of the several States of the Union.

Second. The total number of male citizens of the United States over 21 years of age who, by reason of State constitutional limitations or State legislation, are denied the right of suffrage, whether such denial exists on account of illiteracy, on account of pauperism, on account of polygamy, or on account of property qualifications, or for any other reason.

Resolved further, That the Speaker of the House of Representatives is hereby authorized and directed to appoint a select committee of five members from the membership of the Census Committee of the House of Representatives, who shall investigate the question of the alleged abridgment of the elective franchise for any of the causes mentioned in all the States of the Union in which constitutional or legislative restrictions on the right of suffrage are claimed to exist, and that such committee report its findings within twenty days from the date of the adoption of this resolution to the said Census Committee, and that within one week after the said report shall have been received by the Census Committee the Census Committee shall return a bill to the House of Representatives providing for the apportionment of the membership of the House of Representatives based on the provisions of the fourteenth amendment to the Constitution of the United States.

Mr. OLMSTED. Mr. Speaker, I desire to say in reference to this resolution and in answer to some suggestions that have been made, that it was offered by me not in antagonism to nor in favor of any of the pending reapportionment bills, but entirely, as I conceive, from a constitutional standpoint. It is not aimed at any particular State. While I have mentioned two or three States in the preamble, in order to lay the foundation for the resolution, the resolution itself is general. It is the plain meaning of the Constitution, the plain language of the Constitution, so plain that

there can be no possible difference of opinion as to its construction, that where a part of the male inhabitants of the State, 21 years old and citizens of the United States, are denied the right of suffrage, the right of representation in that State shall be reduced accordingly.

Mr. PEARSON. Will the gentleman from Pennsylvania allow me a question?

Mr. OLMSTED. Certainly.

Mr. PEARSON. Is it the opinion of the gentleman from Pennsylvania that this information can be had in time for action by this Congress?

Mr. OLMSTED. I have no doubt that it can. It is not the intention of this resolution to institute any investigation of the elections in any State, but simply to ascertain in what States the right of suffrage is denied, so as to fall within the provision of the Constitution of the United States which requires a reduction in the basis of representation.

Mr. McDERMOTT. Will the gentleman allow me a question?

Mr. OLMSTED. As soon as I have answered the question of the gentleman from North Carolina [Mr. PEARSON] I shall be glad to yield to the gentleman from New Jersey.

I imagine that by consulting the suffrage articles in the constitutions of the various States and by ascertaining what denials of suffrage there are to any male citizens 21 years of age, and then by consulting the Director of the Census to ascertain how many such citizens there are in any given State, approximate, indeed very reliable, data can be obtained for the use of this House, and in a very short time.

Mr. PEARSON. Will the gentleman pardon one further suggestion? I have called at the Census Bureau and have asked both Mr. Hunt and Mr. Stone whether these figures would be available within the next ninety days, and they said no.

Mr. OLMSTED. Well, then, it might be that the committee could not report in time for the pending apportionment bill; but whenever they do report it will be proper to act upon the information.

Mr. GROSVENOR. I would like to ask the gentleman from Pennsylvania one question.

Mr. OLMSTED. Certainly; but I have promised to yield next to the gentleman from New York [Mr. McDERMOTT].

Mr. McDERMOTT. Mr. Speaker, as I understand, the Constitution provides that the apportionment of representation in this House shall be made upon the basis of those voters who have these qualifications: That they are citizens of the United States; that they are citizens of the State wherein they vote; that they are males 21 years old; and it is further provided that the representation of any State in this House shall be curtailed in accordance with the number of persons having these qualifications who are denied the right to vote. Now, I ask the gentleman if there is any State in this Union where a man is entitled to vote merely upon probate of the fact that he is 21 years old, that he is a citizen of the United States, a citizen of the State where he claims the right to vote, and that he has not been convicted of crime? Is there any State in this Union in which there are not additional qualifications required when the voter presents himself at the ballot box to exercise the elective franchise?

Mr. PEARSON. In North Carolina there are about ten more requirements.

Mr. GROSVENOR. In that connection I want to ask—

Mr. OLMSTED. In answer to the gentleman who has just taken his seat [Mr. McDERMOTT], allow me to say that it is the object of this resolution to inquire into that very subject.

Mr. GROSVENOR. The question I want to ask is whether it is possible through any agency to obtain an answer to these interrogatories. In Ohio it is requisite for a person desiring to vote, if he is the head of a family, to have resided in the State one year and in the county thirty days; while if he is an unmarried person he must have resided one year in the State, thirty days in the county, and twenty days in the ward or precinct in which he offers to vote. Now, is there any way to ascertain how many men were by those provisions of law disfranchised in the Presidential election of last fall?

Mr. OLMSTED. It will be perhaps one of the duties of this committee to ascertain that.

Mr. GROSVENOR. But can it be done? Many men stay at home on election day.

Mr. PEARSON. Could not the resolution be amended in such a way as to confine the inquiries to matters possible of ascertainment?

Mr. OLMSTED. If gentlemen will excuse me, I do not wish to use up all my time in answering these interrogatories.

Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Ten minutes.

Mr. OLMSTED. The committee will undoubtedly find that there are certain qualifications required by all the States. So far as the required qualifications are common to all the States, that

matter will of course make no difference in the representation in this House; but where there are special restrictions, existing in some States and not in others, I have no doubt that it is the duty of Congress to inquire how far such restrictions exist and to put into operation the provisions of the Constitution applicable in such cases.

Take, for instance, the State of Mississippi. I mention it, not because I have any particular feeling in reference to that State, but simply because I am more familiar with the provisions of its constitution than with the constitutional provisions of other States. Mississippi came back to representation in this House in 1870 under an act of Congress which approved its then existing constitution and imposed a condition that suffrage should not be to any greater extent restricted in that State. Some twenty years later Mississippi adopted a new constitution which, as appears upon its face, cuts out from the right of voting those unable to read or interpret the Constitution, a part of which is written in Latin. Now, it is contended on behalf of the State of Mississippi that the act of Congress of 1870 imposing those conditions was unconstitutional. But if the State of Mississippi invokes the Constitution to enable it to deny suffrage, why should not the plain mandate of the Constitution be enforced so as to reduce representation to the extent that suffrage is thus denied?

It is the plain intention of the Constitution that where there is a large wholesale restriction in the right of suffrage those people who are permitted to vote shall not have the force and influence of their votes augmented by permitting them to elect more members of Congress and more Presidential electors than the same number of people in any other State, and it is simply to enable us to ascertain the facts, if possible, that this resolution is offered. Of course, if the committee can not ascertain facts to enable this House to act, then nothing comes of it; but if the data can be had to enable us to carry out the obligation of the Constitution upon us, then this report will disclose that fact, and it will be for the House to consider what action is necessary to be taken.

Now, Mr. Speaker, I desire to reserve the balance of my time.

Mr. RICHARDSON of Tennessee. How much time has the gentleman consumed, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. OLMSTED] has seven minutes remaining.

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

The SPEAKER pro tempore. The gentleman from Alabama is recognized for five minutes.

Mr. UNDERWOOD. Mr. Speaker, in five minutes the issues involved in this case can not be discussed. I was in hopes that this question would not come up at this session of Congress. When the fourteenth amendment was originally adopted, it was the intention of the legislative body that enacted it and of the people who ratified it to force the Southern people to give the elective franchise to the negro. That was the real purpose of the fourteenth amendment. It failed in that purpose. The fifteenth amendment was adopted for the same purpose. That was successful for the time being. It has proved a lamentable mistake, not only to the people of the South, but to the people of the North; not only to the Democratic party, but to the Republican party.

The time has now come when the bitterness of civil strife has passed. The people of the South, with fairness and justice to themselves and fairness to that race that has been forced among them—the negro race—are attempting to work away from those conditions; not to oppress or to put their foot on the neck of the negro race, but to protect their homes and their property against misgovernment and at the same time give this inferior race a chance to grow up and acquire their civilization. When you bring this resolution before this House and thrust it as a firebrand into the legislation here, you do more injury to the negro race of the South than any man has done since the fifteenth amendment was originally enacted. I tell you, sirs, there is but one way to solve this problem. You gentlemen of the North, who do not live among them and do not know the conditions, can not solve it. We of the South are trying, as God is our judge, to solve it fairly to both races. It cannot be done in a day or a week; and I appeal to you, if you are in favor of the upbuilding of the negro race; if you are in favor of honest governments in the Southern States; if you are willing to let us protect our homes and our property—yes, and the investments that you have brought there among us—then I say to you let us send this resolution to a committee where it may die and never be heard of again. When we have done that, when we have worked out the problem and put it upon a fair basis, then, if we are getting more representation than we are entitled to, five or six or ten years from now—

Mr. OLMSTED. Will you permit a question?

Mr. UNDERWOOD. Just one moment, when I finish. Then in six or ten years from now come to us with the proposition fairly to repeal both the fourteenth and fifteenth amendments and substitute in their place a constitutional amendment that will put

representation on a basis that we can all agree is fair and equitable. Do not let us drive it along party lines. Let party lines be eliminated. Let us see what we have got to do in the South first. It is not going to hurt you to-day.

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from New Jersey [Mr. McDERMOTT].

Mr. McDERMOTT. Mr. Speaker, the objection is raised to this resolution that it will be impossible to obtain a comprehensible report under it. That is true. It provides that the committee shall investigate and report in what States certain conditions exist. Now, that does not make it incumbent upon the committee to examine the conditions in every State that regulates the use of the suffrage. The proposition should rather be a negative than an affirmative one, and the resolution which I hold in my hand, as a substitute, would, in my opinion, reach the heart of the matter and enable an intelligent report to be presented to this House. There is not a State in this Union that has not added to or subtracted from the Federal constitutional requirements—not one. Take the State of Pennsylvania, represented in part by the introducer of this resolution.

The constitution of that State, Article VIII, section 1, provides that—

Every male citizen 21 years of age, possessing the following qualifications, shall be entitled to vote at all elections:

First. He shall have been a citizen of the United States at least one month.

That is more than being 21 years old and a citizen of the State and of the United States.

Second. He shall have resided in the State one year (or if, having previously been a qualified elector or native-born citizen of the State, he shall have removed therefrom and returned, then six months) immediately preceding the election.

That is another qualification. It is not a matter of police regulation, but a constitutional inhibition against him who has not the qualification. What next?

Third. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election.

Fourth. If 22 years of age or upward, he shall have paid within two years a State or county tax, which shall have been assessed at least two months, and paid at least one month, before the election.

This is the provision under the constitution of 1873. There may have been amendments adopted since. There may have been a revision of the constitution, but that constitution was adopted after the fourteenth and fifteenth amendments had been made to the Federal Constitution.

So in every State in this Union there are either additions to or subtractions from the Federal constitutional requirements that must precede the right to vote. I think the work of the committee can be simplified therefore by this proposition, which, after the vote is taken on this resolution, I shall, if the resolution is adopted, offer as a privileged resolution:

Resolved, That said Committee on the Twelfth Census shall report in what States citizens are allowed to vote at all elections for Presidential electors and for members of the legislatures of such States upon the only qualifications that such citizens are 21 years of age and male citizens of the State and of the United States.

Now, Mr. Speaker, if there is any addition, whether as a matter of police regulation or otherwise, to the constitutional amendments regulating the franchise and the resultant representation in this House—if there is addition or subtraction of one iota—then those who desire to live up to this Constitution, no matter whether they ruin their neighbors, no matter whether they again kindle the fires of sectional strife, those who in their love for the Constitution are so mentally rigid that they would demand its enforcement though they set the Union aflame, must include every State in this Union. Let the investigation be not in the line of sectional partisanship, but let it determine whether there is a State in the Union that lives up to this constitutional requirement. I venture to say, with some familiarity with this question, after some research as to the qualifications that the different States impose upon voters, that there is not a State in the Union that, under that constitutional amendment, is entitled to a single representative in the House. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS of Mississippi. Mr. Speaker, it is not without significance that the preamble to this resolution selects three States in the Union and names them only as the States against which the resolution is ostensibly directed, and that these three are Southern States. It would have been easy for the gentleman who drew it up to have mentioned all the States in the Union which provide for an educational qualification, for a poll-tax qualification, or for other restrictions upon the suffrage not contemplated in the amendment to the Constitution of the United States. I can tell the gentleman that within the last two or three years a few men down South have been misled by the siren voice, and have begun

to believe that they could hope for justice and broad-minded non-partisanship from the Republican party. They have been warned that whenever power came in sufficient abundance the cloven hoof would come, too, and that they would see that the voice they were beginning to hear was but a siren voice, and that the Republican party would show itself to be still what it hitherto has always been politically—the black man's party in the South and the enemy of the white man, of his civilization, of his commerce, of his property, and of all that has made him what he is. It remains for the gentlemen on the other side to follow the leadership of the gentleman from Pennsylvania [Mr. OLMSTED] if they choose, and completely pluck from the eyes of those who have been partially deceived the veil which has been attempted to be thrown over them.

Now, Mr. Speaker, if there is anything that is more remarkable about this resolution than its evident sectional animus, it is its impracticability and its stupidity. For example, how would anybody find out how many people in the State of Mississippi were disfranchised for the reasons stated in this resolution? There is there an educational qualification. How are you to determine how many of the men in the State of Mississippi who did not vote, did not vote because they were disfranchised under the educational qualification? Then there is a qualification in extension and not in limitation of the suffrage, saying that even those who *can not read and write* may still vote, provided they can give an understanding interpretation of the Constitution or any part of it. How are you going to determine how many are disqualified by that? And then there is a qualification which says that those can not vote who shall not by a certain time have paid their poll tax.

Out of the number of people who did not vote, how are you going to determine which of them have not voted because of the educational qualification? Which because of the understanding qualification? Which because of the poll-tax qualification? Which because of the registration qualification? How many because of the pure Australian ballot which exists in the State of Mississippi? As the gentleman who preceded me [Mr. McDERMOTT] has well said but a moment ago, there is not a State in the Union which does not restrict manhood suffrage in some way or other. There is not a State in the Union which has the Australian ballot which by the very fact and the necessity of voting according to that Australian ballot does not prevent the citizen who can not read and write from voting if he votes a split ticket of any sort.

If it be the pure Australian ballot, as we have it in Mississippi, whether a man be allowed to vote when he can read or not, as a matter of fact he can not vote unless he can read, because he must read the names of those for whom he desires to vote, and he must put the mark opposite the name on the ticket.

Mr. CURTIS. Is he not assisted by the judge or clerk?

Mr. WILLIAMS of Mississippi. Not in Mississippi, unless he is blind or has lost an arm, or is otherwise physically unable.

Mr. CURTIS. In Kansas such voters are assisted.

Mr. WILLIAMS of Mississippi (continuing). In short, can not see to write or feel to write.

Mr. HENRY of Mississippi. My colleague will allow me. If he is disqualified by reason of any physical disability, then he is assisted.

Mr. WILLIAMS of Mississippi. If any physical disability renders it impossible for him to do the work required, he is assisted. That is the pure Australian ballot as it at first came here.

Now, a word as to the merits of this question. Any man who is a lover of the American Republic and who loves its civilization, who loves to see it go forward in the world as a great advance power, intellectually and otherwise, ought to be glad in his heart that we have resorted to constitutional and legal methods—methods adopted in Massachusetts, Connecticut, and other States in this Union—for the purpose of solving as best we could a great and troublesome, if not insoluble, problem. He ought to be glad to see intelligence in control of our destiny.

Mr. STEWART of New Jersey. Will the gentleman yield to me for a moment?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIAMS of Mississippi. My time has expired.

Mr. RICHARDSON of Tennessee. How much time is remaining?

The SPEAKER pro tempore. Five minutes.

Mr. RICHARDSON of Tennessee. I have yielded five minutes to the gentleman from North Carolina [Mr. KLUTTZ].

Mr. KLUTTZ. Mr. Speaker, coming from the good old State of North Carolina, one of the original thirteen, loyal as I believe myself to be, and as I know her people to be, to the flag that hangs behind the Speaker's desk, desiring only the greatness and glory of the whole country and the prosperity of all its people, for one I regret, with the gentlemen who have preceded me on this side of the House, that such a firebrand should have been thrown into legislation at this time. I regret that the opening days of the new century and the era of good feelings between all sections should be marred by this attempt to reopen sectional bitterness

for purely partisan effect. I want to add to what has been so well said by the gentleman from New Jersey [Mr. McDERMOTT], enforced by his reciting the constitutional requirements in Pennsylvania—that there is not a single State in this Union, North or South, East or West, Democratic or Republican, which limits the constitutional requirements for suffrage so as to conform to the language of the fourteenth amendment of the Constitution of the United States.

To live up to that amendment, "that no male inhabitant shall be deprived of suffrage except for participation in the rebellion or other crimes," the male inhabitant, I take it, is he who has acquired domicile in that State, and the moment that he acquires domicile, and is a male, he is a "male inhabitant" of that State, and entitled at once to suffrage; and yet every State in the Union, I believe without exception, has requirements as to residence not only in the State, but in the city, in the county, in the precinct and ward, and the voting place; and every one of those requirements, as every gentleman on that side must admit, are in direct conflict with and contravention of the fourteenth amendment to the Constitution of the United States literally construed.

I find that the States of Maine, Massachusetts, Connecticut, South Carolina, Mississippi, Louisiana, Colorado, and Wyoming all have an educational qualification in addition to the requirement for residence. I find that Rhode Island, Pennsylvania, Delaware, Georgia, Florida, Mississippi, and Tennessee have a provision requiring the payment of a tax; and I find that some of those States—Delaware, Maine, Massachusetts, Missouri, New Hampshire, and New Jersey—have qualifications which exclude paupers, men upon whom God has laid His hand, who are unable to pay a tax and are compelled to go to homes for the poor—that these men in these States are excluded from the suffrage. I find that in Rhode Island there is a property qualification. I find in Delaware that no man can vote unless he has paid a registration fee of \$1.

Mr. STEWART of New Jersey. Will the gentleman yield to me for a moment? I deny for New Jersey that she denies anyone the right of suffrage or denies that right to any American citizen.

Mr. KLUTTZ. New Jersey has a qualification, as I have stated.

Mr. McDERMOTT. I desire to correct my colleague from New Jersey. New Jersey does deny the right of any pauper to vote.

[Applause on the Democratic side.]

Mr. STEWART of New Jersey. I deny the proposition, and ask the gentleman to produce the proof.

Mr. KLUTTZ. I decline to yield to the gentleman to make a speech in my time, but I shall insert in my remarks the provision of the constitution of New Jersey, kindly handed me by the gentleman from that State [Mr. McDERMOTT]. It is as follows:

ARTICLE II.

SECTION 1. And no pauper, idiot, or insane person * * * shall enjoy the right of an elector.

The gentleman from New Jersey [Mr. STEWART] is, I trust, answered.

Now, sir, I come from the State of North Carolina, where we are trying in good faith, in the fear of God, and with the desire to do justice to all our people, to work out the best interests of all races. I find that in North Carolina in the last election, where we have nine Congressional districts, there was an average of 32,555 votes in each district, showing that there was no suppression of the vote.

I find from the reports of the auditor of that State recently made that the total revenues of North Carolina for 1899 from all sources were \$3,064,460.52, and of this sum \$1,555,000, or more than one-half of it, was given to the cause of education, and that money was given pro rata with the whites to the education of the colored race at our doors, although they contributed but about 10 per cent of the taxes. I ask the majority to join us in frowning upon all such legislation as is proposed in this resolution. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from North Carolina has expired.

Mr. OLMSTED. Mr. Speaker, it will be observed that in the few remarks I made on the resolution I did not discuss the question of negro suffrage at all. That is one that has been raised on the other side of the Chamber.

Mr. WILLIAMS of Mississippi. We all know what you meant. [Laughter on the Democratic side.]

Mr. OLMSTED. It is the result of the guilty conscience, Mr. Speaker. It is a matter of surprise to me that the learned and distinguished gentlemen who occupied so much time of the House at the last session endeavoring to show that the Constitution follows into distant islands of the sea and wherever the flag goes should be unwilling that the Constitution should have an opportunity to do business at home. [Laughter on the Republican side.]

Why, in one of these States—South Carolina—there is a gentleman sitting here to-day who received 1,768 votes. There must have been some denial of suffrage to somebody. There are seven

members from Mississippi sitting here who received 22,365 votes, about the majority in my district this year.

Mr. WILLIAMS of Mississippi. Will the gentleman from Pennsylvania yield to me for a question?

Mr. OLMSTED. Yes.

Mr. WILLIAMS of Mississippi. Does the gentleman say that these are all the qualified voters in the State of Mississippi? Why, I have 20,000 Democratic white voters on my mailing list.

Mr. OLMSTED. That is the object of this resolution, to find out whether they are registered and qualified voters. What is the gentleman afraid of? [Laughter on the Republican side.]

Now, Mr. Speaker, I am not going to consume longer time upon this resolution. I find there are a large number of my friends on this side of the House who voted with me for the previous question, which, under the rule, limits debate to twenty minutes on either side, but nevertheless feel that they ought to have had an opportunity to discuss it at some length. Some of them claim to have been put in an embarrassing position by the failure to have an opportunity to discuss it. While I am not willing to accept the suggestion from the other side, to refer it to a committee, where it will die for the present and slumber forever afterwards, as the gentleman from Alabama expressed it [laughter], I am willing myself to move to refer it to the Committee on Census if the chairman of that committee, who is present here, will assure me that he will call his committee together for its consideration within a week.

Mr. HOPKINS. Mr. Speaker, I am not in the mood to-day to make any bargains with the gentleman from Pennsylvania, but I can say to him that the Committee on Census, up to date, has endeavored to discharge its duty with all business that has been referred to it; and I have no doubt that if this resolution is sent there the committee will act upon it as they have upon all other matters that in the regular course of business is assigned to that committee. [Laughter on the Democratic side.]

Mr. OLMSTED. I would like to have the gentleman go further and state that he will—I have no doubt that he will—call it up immediately. But, Mr. Speaker, with the assurance of the chairman of the Committee on Census that his committee is prompt in the discharge of business and that this will be called up at an early day, I move to refer this resolution to the Committee on Census.

The SPEAKER pro tempore. Has the gentleman closed his remarks?

Mr. OLMSTED. I have, and made the motion.

Mr. MAHON. I think, as this is a privileged resolution, the gentleman himself, if the committee does not act within ten days, will have the right to call it up.

Mr. RICHARDSON of Tennessee. I understand, Mr. Speaker, that debate is closed upon this question.

Mr. OLMSTED. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OLMSTED. This being a privileged resolution, will it be within my power to call it up after seven days if the committee does not act upon it?

Mr. RICHARDSON of Tennessee. I hope the Chair will not answer questions which are merely going fishing. [Laughter.]

The SPEAKER pro tempore. I have no doubt the gentleman who occupies the chair when that time comes will decide that question. The question now is on referring to the Committee on Census the pending resolution.

The question was taken; and the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 163. An act for the relief of Henry O. Morse.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to print and deliver to the Department of the Interior, for the use of the Commissioner of Pensions, 10,000 additional copies of the Annual Report of the Commissioner of Pensions for the fiscal year ended June 30, 1900.

The message also announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States is hereby requested to return to the House the bill (H. R. 2355) entitled "An act providing for the resurvey of township No. 8, of range No. 30 west, of the State of Nebraska," in order to correct an error whereby the bill has been enrolled as an act of the first instead of the second session of the Fifty-sixth Congress.

SENATE RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, authorized and directed to print and

deliver to the Department of the Interior, for the use of the Commissioner of Pensions, 10,000 additional copies of the Annual Report of the Commissioner of Pensions for the fiscal year ended June 30, 1900—
to the Committee on Printing.

REAPPORTIONMENT.

Mr. HOPKINS. Mr. Speaker, I desire, on behalf of the Committee on Census, to call up for present consideration House bill 12740; and I desire to say, Mr. Speaker, that I simply call it up to-day for the purpose of general debate, and if the bill is considered now I will not call the previous question until Monday, having general debate to-day and Saturday, and for such time on Monday as may be deemed proper, so that we can get a final vote on the bill some time before the adjournment of the House on that day.

The object of that is this: Thirty-six different State legislatures meet this month. By constitutional limitation the session of some of these legislatures will expire within sixty days. After this bill is considered in the House it must go to the Senate, where necessarily its consideration will take time, so that it is important not only to members of the Committee on the Census, but to every member of this House on either side, that an early consideration of the bill be had.

Many members of the House have not analyzed the three bills pending—the bill reported by the Committee on the Census, the bill reported by the gentleman from Maine [Mr. BURLEIGH], and the bill reported by the gentleman from Indiana [Mr. CRUMPACKER]. It is my purpose, if we take up the bill at the present time, to analyze these different bills, giving some facts and figures for the benefit of members who are not on the committee, so that they may better understand this question and may be prepared to vote intelligently, when the time shall come, on the several pending bills which will be pending upon the report of the committee and the amendments that will be proposed by the minority of the committee.

Mr. SWANSON. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. SWANSON. To see whether we can not have some kind of an understanding with the gentleman from Illinois [Mr. HOPKINS] as to the time when this bill shall be taken up; and if not, I wish to raise the question of consideration on the bill at this time.

The SPEAKER pro tempore. Does the gentleman from Virginia raise the question of consideration?

Mr. SWANSON. Yes, sir; I desire to raise that question.

Mr. HOPKINS. I trust, Mr. Speaker—

Mr. WILSON of South Carolina. Mr. Speaker, without any discourtesy to the gentleman from Virginia [Mr. SWANSON], allow me to say I noticed that the gentleman from Indiana [Mr. GRIFFITH] sought the floor; and I think it might assist us somewhat in reaching an agreement if that gentleman, a Democratic member of the committee, be accorded recognition by the Chair at this time.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. GRIFFITH] is recognized.

Mr. GRIFFITH. Mr. Speaker, in reply to the gentleman from Illinois [Mr. HOPKINS], allow me to say that I think it proper to take up this matter now; but I believe that if we should fix Monday for taking the vote it would not allow sufficient time for discussion. There is a very general desire on the part of members who favor what is known as the Hopkins bill, as well as those who favor what is called the Burleigh bill, to discuss both features of this question. I am satisfied that if the previous question should be called on Monday a great many who desire to be heard and who wish to advance special reasons in favor of certain measures would not have the opportunity to do so. I therefore suggest that the vote be taken, say, on Wednesday next at 1 o'clock; that the previous question be considered as ordered for that time.

Mr. HOPKINS. Mr. Speaker, that would allow five days for discussion.

A MEMBER. Four days.

Mr. HOPKINS. Allow me to say that of course this bill will be under the control of the House at every stage of its consideration from the moment it is taken up till the time that some bill on the subject passes this House. Let me say to the gentleman from Indiana that it is not my purpose to ask for the previous question until some time on Monday—at what hour I am not able at the present time to state. It is not my purpose, however, to cut off any member who may have anything to present that will enlighten the House as to the proper ratio to be adopted, or upon any other provision that may be contained in the bill. I think it will be better, in the interest of legislation, that we proceed in the manner I have already indicated. It may be that by this time on Monday afternoon all members will be satisfied that we shall take a vote some time during that afternoon. If, however, it should be found that we can not do that, the matter will be absolutely under the control of the House.

Mr. GRIFFITH. I suggest to the gentleman that, as a matter of compromise, we fix Tuesday at, say, 3 o'clock.

Mr. HOPKINS. I suggest to the gentleman that it would be fairer to all parties not to set a definite time, either Monday or Tuesday.

Mr. PEARSON. The gentleman from Illinois will allow me to suggest that the shortest time ever allowed in this body for the discussion of an important question of this character was, as I understand, ten years ago, when two full days of debate were allowed, although the report of the committee was unanimous. These questions heretofore have sometimes run on through two years or two Congresses. There has never been a more important question presented in this body than that presented in the Crumpacker bill.

Mr. HOPKINS. Mr. Speaker, if the consensus of opinion on both sides of the House is that Tuesday at 2 o'clock would be a proper time to call the previous question, I will say to my friend from Indiana that I will not call the previous question before that hour—that we may have debate up to that time.

Mr. SWANSON. Make it 3 o'clock.

Mr. PAYNE. Two o'clock will give time on that day for a speech of one hour on each side.

Mr. HOPKINS. I ask that, by unanimous consent, the bill which I have called up may be considered in general debate from this time until Tuesday at 2 o'clock, when the previous question shall be considered as ordered and the House proceed to vote upon the various amendments that may be offered to the bill and upon the passage of the bill.

Mr. RICHARDSON of Tennessee. The gentleman will allow me to say that under the agreement which he proposes there will be no debate whatever under the five-minute rule. Would it not be well to have general debate until 3 o'clock Monday and then the five-minute debate until 3 o'clock on Tuesday? If the arrangement proposed by the gentleman from Illinois be acceptable to the minority members of the committee, I shall not interpose any objection, but it will leave us absolutely without any opportunity to debate amendments, and that is something I have never seen done here.

Mr. HAY. Which bill does the gentleman from Tennessee favor, the Hopkins bill or the Burleigh bill?

Mr. RICHARDSON of Tennessee. I do not know that I am prepared to answer that question. I am speaking only for myself.

Mr. HOPKINS. If the gentleman from Tennessee will give me his attention for a moment, I wish to say that so far as the members of the committee are concerned, they would be perfectly willing that a part of the time for debate be occupied under the five-minute rule.

Mr. MANN. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. HOPKINS] yield to his colleague?

Mr. HOPKINS. I yield to my colleague.

Mr. MANN. I should like to inquire from my colleague if he has made any arrangement with the gentleman from Indiana [Mr. CRUMPACKER], who filed minority suggestions, in reference to the time for closing debate?

Mr. HOPKINS. I have a telegram from the gentleman from Indiana [Mr. CRUMPACKER], received a few moments ago, in answer to a telegram that I sent him saying that we would proceed with the debate to-day and to-morrow and up to 2 o'clock Monday, in which he states that he will be here this evening, so that he will be in the House to-morrow—

Mr. MANN. Then, Mr. Speaker, in the absence of the gentleman from Indiana [Mr. CRUMPACKER], I object.

Mr. PAYNE. I hope the gentleman will not do that.

Mr. MANN. If an arrangement can be made so that the gentleman from Indiana—

Mr. PAYNE. The gentleman from Indiana is a member of the committee and will be entitled to his time.

Mr. MANN. I object, Mr. Speaker.

Mr. CLARK of Missouri. Mr. Speaker—

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HOPKINS] has the floor.

Mr. CLARK of Missouri. I want to make an inquiry, either of the Chair or of the chairman of the committee, and that is whether or not, under this arrangement, amendments to this bill can be offered and debated?

Mr. RICHARDSON of Tennessee. No.

The SPEAKER pro tempore. No suggestion has been made yet by the chairman of the committee—

Mr. CLARK of Missouri. I want that information now.

Mr. LITTLEFIELD. Mr. Speaker—

Mr. HOPKINS. It is my intention to have it arranged so that amendments can be offered. I have no desire to cut off any amendments that will fairly express the opinion of the House, and whether it be the number that is reported by the majority or

by the minority, or some number that may be selected by gentlemen on the floor is a matter of no importance to me.

Mr. CLARK of Missouri. What I want to know definitely now is whether an amendment can be offered and debated, because I have one that I want to offer to have the District of Columbia have a Delegate in this House.

Mr. GROSVENOR. That would not be pertinent.

Mr. PAYNE. That would not be germane.

Mr. CLARK of Missouri. I do not care whether it is or not. I want to offer it if I can have the opportunity.

Mr. HOPKINS. I very much doubt whether that would be proper under the bill.

Mr. CLARK of Missouri. Does not your bill provide for Delegates from Oklahoma, Arizona, New Mexico, and Hawaii?

Mr. HOPKINS. I misunderstood the gentleman. I thought he said he wished to offer an amendment giving the District of Columbia a Member. His proposition is to give the District of Columbia a Territorial Delegate?

Mr. CLARK of Missouri. A Territorial Delegate; yes.

Mr. SHATTUC. You would have to have a law to do that.

Mr. HOPKINS. I will say to the gentleman that I have no objection to giving him an opportunity to offer such an amendment.

Mr. RICHARDSON of Tennessee. Mr. Speaker, if the gentleman from Illinois and the House will indulge me for a moment, if we make an agreement that this bill shall be debated under general debate until 3 o'clock Tuesday and that a vote shall be taken, why, then, there can be no offering of amendments and no discussion of amendments, and that is the only point to which I desire to call the attention of the House. If we can make an agreement to fix a time at which it will be in order to offer and debate amendments, that is all I desire.

Mr. HOPKINS. When I was interrupted by my colleague from Illinois [Mr. MANN], who objects to any time being fixed, I was about to say to the gentleman that I was willing to modify that so that we could take a certain portion of the time for general debate and then the other portion under the five-minute rule, which I think myself is preferable to using up all the time in general debate.

Mr. LITTLEFIELD. Mr. Speaker, will the gentleman yield to me for just one moment? I should like to inquire of the gentleman from Illinois [Mr. HOPKINS] if it is not his understanding with the gentleman from Maine [Mr. BURLEIGH], who represents the minority, that the minority bill shall be understood to be pending as a substitute for the proposition of the majority?

Mr. HOPKINS. Yes.

Mr. LITTLEFIELD. Whenever the debate is ended, that the proposition of the gentleman from Maine shall be pending?

Mr. PEARSON. And the Crumpacker bill will be an amendment to that?

Mr. HOPKINS. And the Crumpacker bill, I suppose, will be an amendment to that. It will be arranged so that a vote can be taken on that.

Mr. LITTLEFIELD. But the minority bill presented by the gentleman from Maine [Mr. BURLEIGH] is in order first as a substitute for the majority bill?

Mr. HOPKINS. As a substitute for the bill reported by the committee.

Mr. LITTLEFIELD. Now, inasmuch as the gentleman has arranged for the debate to close on Tuesday, or at least has suggested that he is willing to agree to that, I wish to ask him whether it would not be better to allow the debate to begin on Monday and to close on Tuesday instead of beginning the debate to-day and occupying to-morrow and Monday?

Mr. HOPKINS. I will say in answer to the gentleman that it has been suggested that more debate should be allowed, and inasmuch as many of the members have not had an opportunity to make a careful analysis of the bills, I think, in the interest of progress in the development of this bill, debate ought to begin to-day so as to analyze the bills. I am prepared to present the views of the majority as to the character of the majority bill, and I am also prepared to show why the House should not adopt the so-called Burleigh bill; and I suppose that my distinguished friend from Maine [Mr. LITTLEFIELD] is equally prepared to show the shortcomings of the committee bill and to exploit the benefits and glories of the Burleigh bill.

Mr. LITTLEFIELD. Will the gentleman allow this further suggestion? The gentleman is full well aware that there are some members of the minority of the committee who are not here as yet.

Mr. STEELE. That is not the fault of the House.

Mr. LITTLEFIELD. I know it is not the fault of the House; but then, so far as the committee are concerned, in fairness and courtesy they ought to be here and to have an opportunity to hear this debate.

Mr. HOPKINS. It will all be in the RECORD.

Mr. MAHON. Regular order, Mr. Speaker.

Mr. PAYNE. I hope the gentleman from Maine [Mr. LITTLEFIELD] will not forget that this is a short session of Congress and that there is a large amount of business to be transacted.

Mr. LITTLEFIELD. I trust I shall not forget anything so obvious as that.

The SPEAKER pro tempore. The regular order is demanded, which is the reading of the bill. The Clerk will read.

The Clerk read the bill, as follows:

A bill (H. R. 12740) making an apportionment of Representatives in Congress among the several States under the Twelfth Census.

Be it enacted, etc., That after the 31 of March, 1903, the House of Representatives shall be composed of 357 members, to be apportioned among the several States as follows:

Alabama, 9; Arkansas, 6; California, 7; Colorado, 2; Connecticut, 4; Delaware, 1; Florida, 2; Georgia, 11; Idaho, 1; Illinois, 23; Indiana, 12; Iowa, 11; Kansas, 7; Kentucky, 10; Louisiana, 7; Maine, 3; Maryland, 6; Massachusetts, 13; Michigan, 12; Minnesota, 8; Mississippi, 7; Missouri, 15; Montana, 1; Nebraska, 5; Nevada, 1; New Hampshire, 2; New Jersey, 9; New York, 31; North Carolina, 9; North Dakota, 1; Ohio, 20; Oregon, 2; Pennsylvania, 30; Rhode Island, 2; South Carolina, 6; South Dakota, 2; Tennessee, 10; Texas, 15; Utah, 1; Vermont, 2; Virginia, 9; Washington, 2; West Virginia, 5; Wisconsin, 10; Wyoming, 1.

SEC. 2. That whenever a new State is admitted to the Union the Representative or Representatives assigned to it shall be in addition to the number 357.

SEC. 3. That in each State entitled under this apportionment, the number to which such State may be entitled in the Fifty-eighth and each subsequent Congress shall be elected by districts composed of contiguous territory and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of Representatives to which such State may be entitled in Congress, no one district electing more than one Representative.

SEC. 4. That in case of an increase in the number of Representatives which may be given to any State under this apportionment such additional Representative or Representatives shall be elected by the State at large, and the other Representatives by the districts now prescribed by law until the legislature of such State, in the manner herein prescribed, shall redistrict such State; and if there be no increase in the number of Representatives from a State the Representatives thereof shall be elected from the districts now prescribed by law until such State be redistricted as herein prescribed by the legislature of said State; and if the number hereby provided for shall in any State be less than it was before the change hereby made, then the whole number to such State hereby provided for shall be elected at large, unless the legislatures of said States have provided or shall otherwise provide before the time fixed by law for the next election of Representatives therein.

SEC. 5. That all acts and parts of acts inconsistent with this act are hereby repealed.

The following committee amendment was read:

In line 14, page 2, after the word "contiguous," insert the words "and compact."

Mr. HOPKINS obtained the floor.

Mr. LITTLEFIELD. Mr. Speaker, I simply want to inquire of the gentleman from Illinois, if he will yield for a moment, whether there is any arrangement or understanding as to who controls the time on either side?

Mr. HOPKINS. No arrangement has been made with the House, but in discussing the matter with the members of the Census Committee it has been suggested that the chairman of the committee control it in favor of the committee bill and that the gentleman from Maine [Mr. BURLEIGH] control the time in opposition, and, Mr. Speaker, I ask unanimous consent that the time for general debate be equally divided and that it be controlled as indicated.

Mr. MANN. I object.

Mr. PEARSON. I object in behalf—

The SPEAKER pro tempore. Objection is made.

Mr. HOPKINS. Now, Mr. Speaker, if I can have the attention of the House, it is not my purpose to devote very much time to general remarks. As every member understands, the authority for the proposed legislation is found in the constitutional requirement, which reads as follows:

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

The bill as prepared by the majority of the committee is in obedience to that provision of the Constitution which directs that representation and direct taxation shall be apportioned equitably among the people of the various States.

In the preparation of the bill we were necessarily required to investigate what had been done by previous committees under various censuses that have been taken since the adoption of the Constitution. We find that in the early history they adopted a ratio of population that was to determine the number of Representatives that should be found in the several States.

For example, they would take 33,000 as representing a district that would be entitled to a member of Congress, and then would take the aggregate population of the State and use 33,000 as the divisor, and the quotient would represent the number of Congressmen that would be allowed to the State. No attention whatever was given to fractions. This was so in the first few censuses

taken, and was carried on even up to 1840; but in 1832 a notable debate was had both in the House and in the Senate upon this subject.

It was found that as new States were added and the population of the various States increased, that there were large fractions in each one of those States that were unrepresented, and it was finally determined that some legislation should be adopted for the representation of these fractions. Under the census taken in 1830 the House pursued in the preparation of the bill for apportionment the old method that had been adopted in the first apportionment bill. When it was sent to the Senate such inequalities existed and such manifest injustice was apparent that the Senate prepared and adopted a bill based on an entirely different theory.

Mr. Webster was then in the Senate and was upon the Census Committee of the Senate. He insisted that representation and taxation required, in order to make a proper distribution of political power among the States, that a definite number should be determined on as to the membership of the House, that the aggregate population of the United States should be divided by that number, and the quotient thus obtained would be the ratio that should determine the membership in each State, allowing, however, a member for a major fraction.

Mr. WILLIAMS of Mississippi. Now, right in that connection, will the gentleman allow me to ask him a question?

Mr. HOPKINS. Yes, sir.

Mr. WILLIAMS of Mississippi. I am somewhat in sympathy with your bill, and I think if one injustice was corrected in it I would be with the whole of your bill if it is rectified in this particular. Now, here is Colorado which has a major fraction of 121,000 and something, Florida has a major fraction of 110,000 and something, and North Dakota a major fraction of 105,000 and something, but they do not get an additional Representative for these major fractions. Why not, now, make the House 360, as it virtually is now, and give to these three States their additional members. Then you would give every State that has a major fraction one member, taken as a divisor for the additional member. It seems to me that that would make your bill mathematically perfect, and correct an injustice which has been done these States.

Mr. HOPKINS. I will say to the gentleman from Mississippi, Mr. Speaker, that that subject is one that has been carefully considered by the committee, and during the progress of my remarks I propose to take up that question and discuss it, and shall state why our Committee on the Census were not constrained to increase the number beyond 357.

Mr. WILLIAMS of Mississippi. That is a fact, is it not?

Mr. HOPKINS. It is a fact, as stated by the gentleman from Mississippi.

Mr. WILLIAMS of Mississippi. One word more. Is it not a fact that these are the only three States that have a major fraction that do not get an additional Representative?

Mr. HOPKINS. It is the fact that they are the only three that do not get an additional Representative on major fractions.

Mr. SHAFROTH. Will the gentleman allow me to ask him a question?

Mr. HOPKINS. I can not now; and the reason I do not desire to be interrupted is, I will take up these various objections raised by gentlemen and explain them in the course of my remarks, and I think I can make it clearer to members of the House upon both sides in that way than by these interruptions.

Mr. SHAFROTH. Will the gentleman—

Mr. HOPKINS. I have conversed with the gentleman from Colorado, and know his point and what he desires to say, and I will come to it by and by.

Mr. SHAFROTH. All right.

Mr. HOPKINS. Now, at the time when the Senate, under the leadership of Mr. Webster, of Massachusetts, changed the method of determining the representation of the House, Mr. Polk, who was afterwards President of the United States, as chairman of the Committee on Census of the House, took issue with the action of the Senate and insisted that fractions, under the Constitution, could not be represented at all; that we must take a certain population as the ratio, and that under our Constitution we had no power whatever to make any addition for a fraction.

At that time the views of the Senate were not fully adopted, but from 1840 up to the present time the suggestions first made, as I have indicated, by the Senate upon this subject have been adopted. And for more than sixty years in determining the membership of the House under its apportionment bills an arbitrary number has been taken, and then the fractions have been considered, and a member assigned to each State having a majority fraction.

Now, when we come to take up the bill suggested by the Committee on the Census I will go into this matter more fully than I have at this time. I desire to call the attention of the House briefly, and only briefly, to the reasons that have suggested themselves to the Committee on the Census as to why we have limited the number to 357. I find that the number we have now is an

exceedingly large body to transact business, and it was believed in the interests of economy and in the interests of legislation that it would not be wise at this time to increase that number.

Gentlemen who have served here in the House for any length of time are aware of the fact that right here in the center of the House are a few favored seats, but those unfortunate enough to get seats on the back rows or on the outer sides of the Chamber are practically excluded from participating in legislation if they remain in their seats. This matter has become so well understood that the strip nearest the west side of the Chamber has been denominated the "Cherokee Strip," and members when they have been selecting their seats have been jeered by the more fortunate members when they have been compelled to take their seats in that section.

Another thing is that people elect members of Congress to come here to legislate; not only to participate in debate, but to take an active interest in all the great questions presented. As the House is constituted, if we increase the number, it will be absolutely impossible to transact the business of the House except by committees. It is too much so at the present time for a healthy condition of legislation. For example, in a few days we shall consider a river and harbor bill which, I understand, carries with it appropriations aggregating from sixty to eighty millions of dollars. Outside of the Committee on Rivers and Harbors, what member knows anything about the considerations that have influenced the members of that committee or the reasons warranting an appropriation reaching such enormous figures?

Here the other day an appropriation bill was brought in from the Committee on Appropriations carrying \$145,000,000, and was passed in this House in eleven minutes' time. What member of this House, outside of the committee that reported the bill, knows anything about the items covered by it, or can give any facts regarding any of its provisions? This is the condition now. If we increase the membership of the House by thirty or forty members, it will increase the difficulties that I have briefly and imperfectly referred to at the present time.

Not only that, Mr. Speaker, but in a legislative body with a lesser number we find that the rules are not so severe, and a larger liberty is given to the individual members. We see that in the Senate as compared with the House. There is not a Senator that represents in part any one of the great States that form this grand Republic who rises to his feet but what is entitled to the recognition of the Chair.

How is it in this House? Composed of 357 members, as we have now, let a gentleman with any kind of a resolution, on any subject that interests the public, rise to his feet and address the Chair, and does he get recognition under our rules? Not at all. The question propounded to him is, "For what purpose does the gentleman rise?" And it is left for the Speaker to determine whether he shall have recognition to bring that matter before the House or whether he will be compelled to sit down in his seat and wait the action of the Speaker. That can not and ought not to exist in a properly regulated legislative body.

Now, I make no criticism of the present Speaker of the House. I believe he has discharged his duties with an ability and fidelity that entitles him to the highest credit, and his course with every member of this House has been courteous in the extreme; but with this large legislative body we see the trouble and inconvenience to which members are subjected. That is so with 357 members; and if we increase it, we increase the troubles of this kind. Now, you take the committees, and it is the same way. In order to give members of this House proper representation on committees committee after committee has been created that does not meet during the entire session of Congress, and the committees already in existence are increased to such numbers as to make them burdensome and unwieldy; so that I think when members come to look upon this subject in the spirit of patriotism, with the idea of the public good, not from a selfish standpoint, they will agree with the majority of the Committee on the Census that we should call a halt in increasing the membership of this House.

Now, Mr. Speaker, it goes without saying that under the apportionment proposed by the Committee on the Census every one of the great States forming the Federal Republic will have the same relative influence, the same relative power, the same relative representation on this floor that it would have with a larger number of Representatives. Illinois under this bill, with 23 members, will have the same power, the same influence, that she would have with 28 members or with 25, as proposed in the other bill.

The great State of Maine that has honored the country by so many distinguished sons who have served in this House and in the other Chamber will, with three members, as proposed in the bill of the majority, have the same relative influence, the same relative power and position, in this House that she would have with four members. Her representation can not be increased without increasing the representation of all the other States.

If, then, as I have said, we sink the personal ambition of members, if we will throw off the influence that is brought about by

localities, and look at this discussion from the standpoint of "the greatest good to the greatest number," and will remember our country and not the individual or the section, it seems to me there ought not to be any division among the members of this House upon the proposition that the membership of this House should not be increased.

There are many other arguments which can be urged in favor of retaining the present number—357. I can well understand why gentlemen desiring to increase the number of Representatives in this House should refer to the English House of Commons with 670 members. But they must remember that in England there is no written constitution to control as there is in the United States. They must remember also that by the rules and regulations of the English House of Commons 40 members of Parliament constitute a quorum for the transaction of public business and 20 members for the transaction of private business.

Then, on the question of economy, England pays to her members of Parliament no salary whatever. She furnishes them no clerks, no stationery, no traveling expenses, no et ceteras such as become a part of the perquisites of every member of the American Congress. Every time we increase the membership of this House we increase the annual expenses of the Government. Gentlemen may say that that is a small matter, but the increase which is proposed in the so-called Burleigh bill will entail an increased annual expense to the Government of the United States of from \$500,000 to \$750,000. That will be a fixed expenditure which must be met year after year without any resultant good.

Some gentlemen say that in order to transact business and look after our constituents properly it is necessary that the number of Representatives should be increased. I do not agree with gentlemen who take that view, because it seems to me that a careful study of the history of our country will bear out the remark that the legislator of to-day from any of these States has less to do than had his predecessors.

It should not be forgotten that in the earlier days members of Congress had no clerks such as are furnished at the present time. By the introduction of the railroad, the telegraph, the telephone, and the great mail system which has been established in this country communication with our constituents is made easy; all sections of our country have been brought into harmony, so that Representatives on this floor can much more readily look after the interests of their constituents than they could before the days of railroads and telegraphs and telephones.

As I have said, these are a few of the considerations which have influenced the majority of the committee in adhering to 357 as the number of Representatives, and recommending the adoption of that number instead of the increase proposed by the minority of the committee.

I now propose, if I can have the attention of the House, to take up bill No. 12740, reported by our committee, and analyze it, showing to members of the House the methods by which we have made the allotments to each of the several States, the total of which aggregates 357 members.

Some time before the convening of Congress the Director of the Census was directed, in accordance with the custom established for many years, to prepare tables not only for the guidance of the Committee on the Census, but also for the benefit of Members and Senators. The experts in that department have prepared a table, called an apportionment table, in which they commence with 350 members and give the figures up to 400 members, inclusive. They first give the constitutional population of every State in the Union and then the constitutional population of the entire United States. By means of these tables we can take any of these figures presented, and if we settle upon any number as the membership of this House, can easily determine the representation that will be allotted thereby to any of the States.

As I have stated, the majority of the committee in preparing their bill selected first 357, and then in order to determine the membership to be allotted to each State under this new apportionment they divided the constitutional population of the United States—74,565,906—by 357, getting a quotient of 208,868, so that under the proposition of the majority of the committee the population of a Congressional district should aggregate 208,868. Taking that number as a divisor, we then took the population of the various States and made the division. For example, dividing the population of Alabama—1,828,697—by 208,868, it gave to the State of Alabama 8 members, with a decimal fraction of 0.755, representing a population of 157,753.

That process was carried out with every State, the aggregate number reached by this process being 335 members; so that by this process we apportion among the several States in the Union 335 members. Now, in order to reach the 357 members, we find that there are 22 members still to be allotted; but we also find that, by the division made in the manner that I have indicated, there were major and minor fractions in the 45 different States aggregating 4,595,126.

Under the old rule that was adopted and maintained in this

country up to 1840 that population of 4,595,126 would have gone unrepresented, excepting the four States that under the Constitution are entitled to one member each; but under the policy that has been adopted during the last sixty years these major fractions were represented. It was found, however, that there were major fractions for 25 States instead of 22, including the four States that under the Constitution are entitled to one member each. How was that to be remedied? Under this apportionment 335 members had been assigned to the several States, each on the same ratio that was accorded to its sister States, leaving, as I said, 22 members to be assigned, as I have already stated.

Now, what was the most equitable and just way to dispose of these fractions? The four million and odd thousands that I have mentioned would be entitled only to 22 members, on the ratio that we have already divided among the other States. That aggregation of fractions would not be entitled to 25 members, but only to 22. Now, it would not be in accordance with the requirements of the Constitution to give a greater representation to a fraction than to the integral numbers. It would not be just and proper to take this population that is represented by these various fractions and give them an increased representation. Then what is the most equitable and just way to dispose of the 22 members that represent the fractional numbers?

Why, Mr. Speaker, there is but one way, and that way was pointed out many years ago by Professor Walker, Superintendent of the Ninth and Tenth Censuses. Professor Walker not only agreed fully with the masterly argument that was made by Mr. Webster upon the subject, that we should take an arbitrary number for the membership of the House and have the fractions represented, but he insisted that where such an anomaly existed as we find exists at the present time the only just and proper way would be to take the State with the largest major fraction and give to that State one of the 22 members, then take the next State that had the next highest major fraction and give to it a member, and so on until the 22 members are disposed of in the manner that I have indicated.

Now, these 22 members represent, as I have said, all the fractions, including the population of the four States with one member each; but it is more equitable and just to apportion an additional member to the State with the highest major fraction than it would be to one with a lower major fraction, because when we come to this question of fractions (which frequently occurs, as you will find by going through these figures), one State may have a major fraction of a thousand or two above the moiety number, and another State just reach the dividing line. Where would you make the division there?

Mr. LONG. Will the gentleman allow me?

Mr. HOPKINS. Just in a moment. Now, I call the attention of the members of the House to this to show that in making this apportionment as has been provided by the Committee on the Census we have been unable to deal out strict and exact justice to all States, but, as Mr. Webster said, the Constitution does not require that. It only requires us to do that as nearly as it is possible to do it in making these divisions. And I submit that when gentlemen come to study these figures as the Committee on the Census have studied them they will readily find that no other apportionment could be made and still preserve the harmony and integrity of the bill.

Now, the gentleman from Mississippi, early in my remarks, suggested that we should recognize the three States that have small major fractions. The moment that we attempt to do that we change the ratio, because you will see under an apportionment of 357 members the ratio is 208,868. Suppose we adopt the suggestion made and give these three States each an additional member.

Then we increase the membership of the House from 357 to 360; and by turning over the leaf and examining the figures that have been prepared by the Committee on the Census we find that, instead of the ratio being the number that I have indicated, it has dropped down to 207,127, and instead of having the membership of the House as it is, at 357, we find that these fractions in the States are changed and that some State other than one of these three that have been indicated would be left exactly in the position now occupied by Florida, North Dakota, and Colorado.

Mr. MORRIS. It would create major fractions in other States.

Mr. HOPKINS. Yes; it would create major fractions in other States; and if you will follow this through from one point to another, you will find it will be utterly impossible to have a bill that will prevent that condition arising somewhere.

Mr. SHAFROTH. Will the gentleman now yield to me for a question?

Mr. HOPKINS. Yes.

Mr. SHAFROTH. Will you explain to the House how it is that if the number of Representatives in the House is 356 Colorado gains a member, or if it is 358 Colorado gains a member, but if it is 357, the number between the two, Colorado does not gain a member?

Mr. PEARSON. That is the "Alabama paradox."

Mr. HOPKINS. Certainly it does not require any mathematical genius to explain that. When you have a definite number as a divisor to divide the population of 45 different States, you change the ratio and it changes the fraction and makes the changes that we have indicated. It is what was twenty years ago called the "Alabama paradox."

Mr. SHAFROTH. Does the gentleman recognize, also, that if the membership of the House is reduced to 350 Colorado gains a member; or if it is 351 Colorado gains a member; or if it is 352, or 353, or 354, or 355, or 356, Colorado gains a member; but if it is 357 Colorado does not gain a member?

Mr. HOPKINS. If the gentleman would study the figures that have been presented to us by the Director of the Census he would readily see how that occurs; and it illustrates the point that I make and the point that has been a stumbling block ever since we have had apportionment bills under the Constitution of the United States. You can not administer strict, exact, and impartial justice to every State. One State may get a little advantage of another, but the object and purpose of the House in every instance should be to minimize those inequalities, to have a ratio that will apply to the greatest number of States and to give to the States with the largest major fractions, if any such exist, representation, rather than those that have smaller fractions.

Mr. SHAFROTH. Right there—

Mr. HOPKINS. I can not be interrupted. I know what the gentleman's position is and his questions do not throw any light on the subject.

Mr. SHAFROTH. I should like to get some light myself.

Mr. HOPKINS. Then listen to me and do not ask questions.

Mr. PEARSON. The gentleman should read the speech of "Sunset" Cox on the Alabama paradox, showing that figures never lie.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. HOPKINS. No; I do not. Now, Mr. Speaker, right in connection with this subject, and in connection with what the gentleman from Colorado has said, I desire to call to the attention of the members of the House the letter of Francis A. Walker, the Superintendent of the Ninth and Tenth Censuses, written to Mr. Cox, January 15, 1881. It is found on page 24 of the report. I trust every member of the House will read the letter. He says:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., January 15, 1881.

DEAR SIR: In response to your request, I would say that I see no correct principle underlying the practice of giving an additional Representative to all States having a moiety of the number of inhabitants taken as the divisor in determining the number of Representatives to which each State shall be entitled under the census. In my view, the only logical method is to take at the outset the final number of Representatives, which number shall be used as a divisor in obtaining the ratio of Representatives to population.

The ratio so obtained should be applied in succession to the population of each State. This process will yield in the aggregate a number somewhat less than the number of Representatives originally taken. The difference should be made up by assigning to the States having the largest fractions additional Representatives. Whenever a sufficient number of additional Representatives have been assigned on account of fractions, to make up the total number taken, such assignment should cease.

If that number be exceeded, as in the case of the assignment of additional Representatives on account of a moiety, the ratio of representation is thereby changed, whether that excess be one or more, a new ratio is determined, and the work has to be done all over again. It might easily happen that upon the new ratio another State would be found to have a fraction in excess of the moiety, and therefore entitled upon the same principle to an additional Representative. The addition of such a Representative, however, giving a new total, would again change the ratio, and the application of that ratio might find still another State in excess of the moiety, and so on.

I inclose a series of tables which afford a practical illustration of this process. In Table I, I have taken 23 communities, which we may assume to be the counties of a State, named A to W, inclusive, having an aggregate population of 120,000. Taking the total number of Representatives at 200, we have 1 Representative to every 600 inhabitants. Applying this ratio in succession to the population of the several counties, we have 190 Representatives assigned upon even division, as appears in column 3, while there is an aggregate of fractions, as shown in column 4, of 6,000. Assigning 10 additional Representatives according to the highest fractions, we have, in column 5, the total 200—the original number of Representatives taken.

Here, according to my view, the work should stop. If, however, assignments are to be made upon a moiety, we find the county named G receiving an additional Representative, its fraction being greater than one-half of 600. The number of Representatives now, however, has become not 200, but 201, and the ratio is no longer 1 to 600, but 1 to 597. Applying the ratio in succession to the population of the several counties, as in Table II, we have an aggregate number of 192 Representatives upon even division, with an aggregate of fractions reaching 5,376. Assigning 9 additional Representatives upon the highest fractions, we have the total number 201, the number last taken, but there still remains one county, U, having a fraction in excess of the moiety.

This county, therefore, upon the moiety principle, must receive an additional Representative, which, however, would make the total number 202 and change the ratio to 1 to 594. Now, if G was entitled to an additional Representative by reason of having a fraction in excess of the moiety of 600, which was not the number of inhabitants to a Representative, U is equally entitled to an additional Representative, because it has a fraction in excess of the moiety of 597, which is the actual number of inhabitants to a Representative. But if U receives an additional Representative on account of its moiety, then the number of Representatives becomes not 201, but 202, and the ratio becomes 1 to 594.

Applying this ratio to the population of the several States in succession, as shown in Table III, we have the number of 194 Representatives assigned upon even division. Giving 8 additional Representatives upon the highest fractions, we have the number of 202, according to the scheme; but this still leaves one county, Q, having a fraction in excess of a moiety of 594. Now, upon the moiety principle, Q has just as good right to have an additional

Representative as U or G in the instances previously taken. If, however, this claim is to prevail, the number of Representatives is again changed, namely, to 203, and the ratio is again changed, namely, 1 to 591; a new distribution takes place, as seen in Table IV, and again a claimant for an additional Representative appears in I, which has a fraction of 299, being more than one-half the number (591) of inhabitants to a Representative.

The result of giving I an additional Representative is shown in Table V, where, with a total number of 204 Representatives, yielding the ratio of 1 to 588, there still appears a new county, O, which claims an additional Representative on precisely the same grounds as G, U, Q, or I, namely, as having a fraction equal to a moiety of the number of inhabitants to a Representative. And so this might go on indefinitely.

I see no rational conclusion, therefore, but that the number first taken, through which, as a divisor, to obtain the number of inhabitants for a Representative should be maintained, and so many additional Representatives, and only so many, be assigned upon fractions as are needed to make up the original number. To go beyond this is to lose all hold on any principle governing the matter.

Very respectfully, yours,

FRANCIS A. WALKER,
Superintendent of Census.

Hon. S. S. Cox,
House of Representatives.

Mr. SHAFROTH. Now, will the gentleman yield right there?

Mr. HOPKINS. I can not be interrupted any more by the gentleman from Colorado.

Now, Mr. Speaker, the more the members of the House study this question, the fairer will appear the bill suggested by the Committee on the Census. We have absolutely given the same ratio for representation in all of the 45 States, excepting the four States that by the Constitution are entitled to membership although their population falls below the ratio, and then we have taken the fractions, as suggested by this distinguished scientist and statistician, Professor Walker, in a manner that will commend itself to the judgment of every man who is compelled to act in the premises, giving each State that has the highest major fraction a Representative, until the entire number is exhausted.

I undertake to say, Mr. Speaker, that it is impossible to arrive at any more just and equitable system of assigning the membership of this House than the one that has been suggested. If you follow the suggestion of the gentleman from Mississippi you create additional inequalities in other States. So that we must take an arbitrary number and be guided by that; and then, when we have exhausted the fractions, as the committee have done in the bill which is reported by our committee, you must stop whether that leaves out Colorado, Florida, or any other State.

Mr. LITTLEFIELD. Will the gentleman yield to me a moment?

Mr. HOPKINS. I yield to the gentleman.

Mr. LITTLEFIELD. I want to make this inquiry. If I understand the theory of your bill and the basis on which it is made, you allow for all major fractions until you get the requisite number?

Mr. HOPKINS. Yes, sir.

Mr. LITTLEFIELD. And you leave out three that have this major fraction, and of course all with a minority fraction?

Mr. HOPKINS. Yes, sir.

Mr. LITTLEFIELD. And the minority fractions are not represented?

Mr. HOPKINS. Oh, no; we gave 22 extra men, and I supposed the gentleman understood that. The gentleman is entirely in error. There are 4,595,126 people that are represented by fractions, including the four States with one member each, and are entitled, under the ratio we have adopted, to 22 members. If you allow for more than 22, as I explained earlier in my remarks, you allow the fraction a greater representation than the integral number; and the only question for us to determine is how we are to dispose of the 22 Congressmen that represent the major fractions, including the populations of the States with one member each.

The committee understood it, and I suppose my learned friend from Maine must understand it. The committee believed, with Professor Walker and the present Director of the Census, and all the statisticians and scientists who have given this subject any consideration, that the equitable way to dispose of the fraction is to give a member of Congress to the State having the highest major fraction, and then the next highest major fraction, and so on until the fractions are exhausted by the assignment of members.

Mr. LITTLEFIELD. Now, perhaps the gentleman may not have comprehended my question. Upon your explanation, how does the major fraction of Colorado of 121,067 get representation under your bill by a Representative assigned to another State?

Mr. HOPKINS. I will explain that.

Mr. LITTLEFIELD. And on the basis of your calculation, how do all the minor fractions get representation unless by representation of other States?

Mr. HOPKINS. I will explain that further on. It is my purpose to do that.

Mr. Speaker, the adoption of 357 members will necessitate a decrease in the membership of some of the States in the Congress that is organized under this apportionment bill, and if gentlemen will turn to page 39 of these tables I have been using during the course of my remarks, they will find the States there losing one are

Indiana, Kansas, Kentucky, Maine, Nebraska, Ohio, South Carolina, and Virginia. The States that gain one are Illinois, Louisiana, Minnesota, New Jersey, New York, and West Virginia. The State that gains two is Texas. That is on page 39 of the report.

Mr. LLOYD. I would like to ask the gentleman if he made computation to ascertain whether the division is correct in the computation of Colorado as compared with Michigan.

Mr. HOPKINS. I will answer that later on.

Mr. LLOYD. I want to call your attention to the fact that Colorado is entitled to three under that computation.

Mr. HOPKINS. I am now speaking of results generally to the various States and the result of the bill as adopted. It has been contended by some that these apportionment bills should be made so that no State shall lose any member; and some have gone so far as to say that in all apportionments no State ever lost any. I have had prepared for the benefit of the House some tables. I find by the list of precedents that it has been but rare since the adoption of the Constitution that we have framed and passed a bill that has continued the representation of all the States.

When the Constitution was adopted it provided for the membership of the States when they became a part of the Federal Union. The first census was taken in 1790. Under that census Georgia lost a member that was allowed to her at the adoption of the Constitution. In 1800, ten years later, an apportionment was provided under which there was no loss, and the same was true of 1810; but in 1820 Connecticut lost a member, Delaware 1, Massachusetts 7, Vermont 1, and Virginia 1, making an aggregate loss of 11.

Under the census of 1830 Maryland lost a member, Massachusetts 1, New Hampshire 1, Virginia 1, making an aggregate loss in those States of 4 members. In 1840, under the Sixth Census, Connecticut lost 1, Georgia 1, Kentucky 3, Maine 1, Maryland 2, Massachusetts 2, New Hampshire 1, New Jersey 1, New York 6, North Carolina 4, Pennsylvania 4, South Carolina 2, Tennessee 2, Vermont 1, and Virginia 6. Under the census of 1850 Maine lost 1, New Hampshire 1, New York 1, South Carolina 1, North Carolina 1, Tennessee 1, Vermont 1, and Virginia 2, making an aggregate loss of 9 to those States under the census of 1850.

In 1860, under the Eighth Census, Alabama lost 1, Georgia 1, Kentucky 1, Maine again lost 1, Maryland 1, New York 2, North Carolina 1, Ohio 2, Pennsylvania 1, South Carolina 2, Tennessee 2, and Virginia 2.

Under the census of 1870—the Ninth Census—New Hampshire lost 1, Vermont 1, Virginia 2.

Under the Tenth Census, of 1880, Maine again lost another member. Under the Eleventh Census, in 1890, they increased the number, as is proposed under the Burleigh bill, so that no State lost a member.

Gentlemen who will examine the tables which have been prepared and made a part of the report of the committee will see that at one time Virginia had 23 members, and then she dwindled down to 9 by successive losses until the last two censuses, when she was again restored to 10. The time was when Maine was represented by 8 members of Congress on this floor. But for forty years Maine has made no advancement in her population to speak of.

I have here a tabulated statement showing the condition of Maine. In 1860 the per cent of increase of population was only 7.7. From 1860 to 1870 she decreased in population as a State. From 1870 to 1880 she increased only 3.5; from 1880 to 1890 only 1.9 per cent, and from 1890 to 1900 only 5 per cent; so that during the forty years or more the population has increased less than 10 per cent.

Mr. WILSON of South Carolina. Will the chairman allow me a question?

Mr. HOPKINS. Yes.

Mr. WILSON of South Carolina. If Congress had adopted this apportionment of the Eleventh Census, making the number 375 as the number of Representatives upon this floor, would the chairman of this committee be in favor of adopting 375 as the membership of the next Congress? In other words, do you not recommend 357 because that is the present representation in Congress?

Mr. HOPKINS. The committee recommended 357 because they believed that 357 is the limit where the best results for the country can be achieved.

Mr. WILSON of South Carolina. Is it not a fact that that number is taken because it is the present number?

Mr. HOPKINS. Not necessarily. That is one of the considerations undoubtedly which entered into the minds of the members of the committee in reporting it. It is not necessarily the controlling element. The point is, as stated by one great French writer, that if you increase a legislative body beyond a certain point it becomes a mob.

Now, we know from experience in this House that you take the capacity of the room, the methods of legislation, and the rules adopted, and we can not increase the membership of the House without detriment to the interests of good legislation.

Mr. RICHARDSON of Tennessee. I want to ask the gentleman a question.

Mr. HOPKINS. I will yield to the gentleman from Tennessee.

Mr. RICHARDSON of Tennessee. I want to ask if the number is fixed, as provided in the committee bill, at 357, what States will lose a member? As I understand it, Virginia and Maine—

Mr. HOPKINS. And Nebraska, Kansas, Indiana, Ohio, and South Carolina.

Mr. RICHARDSON of Tennessee. Would there be any objection under the Constitution, if Congress saw fit to fix the number at 357 and provide that the States of Maine and these other States should not lose a member, and make the number in excess of 357? Is there any constitutional inhibition to that?

Mr. HOPKINS. The gentleman means to add to the States that have lost?

Mr. RICHARDSON of Tennessee. I will say, fix it at 357 members, as provided in the bill, and say, "Provided, however, that those States (naming them) shall not lose a member, and that the members shall be in excess of 357; so as that no State shall lose."

Mr. HOPKINS. I will say to the gentleman that we have no constitutional authority to do that.

Mr. RICHARDSON of Tennessee. That is what I am inquiring about.

Mr. HOPKINS. It is upon this principle, that representation and taxation shall go together. Now, if direct tax were imposed, there is no State that would submit to a tax greater than the relation her population bore to the population of the entire United States, and in making our apportionment of members we seek to obtain the same relative proportion between the States as compared with the aggregate population of the entire United States.

Mr. DAVIS. Will the gentleman allow me a question?

Mr. HOPKINS. Yes.

Mr. DAVIS. With 357 as a divisor, you have made a ratio of one member for 208,868 of the population, and in doing that you found a number of States with a majority fraction. You have accommodated all those States except three, Colorado, Florida, and North Dakota. Now, could you not, without disturbing the ratio and without greatly increasing the membership of the House, make it 360 and do justice to three States that you deprive of these members, although they have, under the rule of allowing an additional member for a majority fraction, the right to those additional members?

Mr. HOPKINS. I have already explained that situation, I think, fully to the members of the House. If the gentleman will take the figures prepared by the Director of the Census and turn to the ratio of 360 members and run that down, he will see—

Mr. DAVIS. I heard what the gentleman said about that, but what I want to ask is this: Allowing your divisor to remain as it is—357—you make the ratio of 1 Representative to 208,868 of the population, and in making that calculation you find a number of States with majority fractions. You have accommodated all those States except Florida, Colorado, and North Dakota.

Now, without disturbing that calculation—without using any new divisor at all—could you not, in justice to those States earning a member by reason of a majority fraction, add 3 members to your aggregate of 357 without materially adding to the number proposed in your bill? Are you not treating those States unfairly by leaving them out?

Mr. HOPKINS. I am willing to leave that matter to the House. I have already said all I care to say on that point. The House can of course do whatever it may choose on that question. I have shown that there are only 23 members left to represent this aggregation of fractions and that when that number is exhausted the power of the committee in making an allotment is exhausted.

Mr. Speaker, I have called attention to the fact that in reducing the representation of some States we are not starting out upon a new field; that those States which are losing a member, as indicated in the report here, are not suffering anything that their sister States have not been subjected to in the past. Now, who is it that is taking the lead in opposition to the bill of the committee? The gentleman from Maine. Why does he do it? He does it because under the bill reported by our committee the representation of Maine in this House is reduced by one member.

The gentleman from Kansas is another gentleman earnestly in favor of the Burleigh bill and earnestly opposed to the committee bill. Why? Because under the committee bill Kansas will lose a Representative. My honored friend from Nebraska is another gentleman who is opposed to our bill. We find that under the bill as reported by the committee Nebraska will lose a member. In other words, the men who have been acting in opposition to the committee bill—the men who are seeking to prejudice the minds of others against the adoption of that bill—are those whose States under the equitable method and scientific process which I have but briefly and imperfectly stated will suffer a loss of representation in this House to the extent of one member each.

Those States are the States that wish to destroy our bill and present a bill of their own. As I have just shown to the House,

the State of Maine has for forty years been nearly stationary in population. It is no discredit to her that the splendid men and women who first see the light of day in that grand old State go to the West to populate and make great the States beyond the Mississippi.

It ought to be an honor instead of a discredit to her that this population of hers has taken a westward course instead of staying up there in the pines of Maine. But is that any reason why Maine should have a greater representation on this floor on the basis of her population than is accorded to the great States of the Union? Is there any code of morals or ethics by which a gentleman from that State is entitled to come here and sit on this floor with a less population back of him than a Representative from Illinois or Pennsylvania or New York? The same thing may be said in the case of Kansas. Let me show you what is the trouble with Kansas.

Mr. CURTIS. Why not adopt a figure which will take care of all these States without doing injustice to any?

Mr. HOPKINS. The trouble is not with the bill reported by the committee, but with the condition existing in the State of Kansas itself. Kansas has been cursed for ten long years with Populism. Capital has been driven from the State. Energetic, progressive, splendid men who sought homes there have been driven out and gone elsewhere. That young giant, as it was ten years ago, has been a laggard in the race of the States that form the Republic. Fifty-four counties in the State of Kansas during the ten years that the Populists have been in power in that State show a decrease of population.

[Here the hammer fell.]

Mr. LONG. I ask that the gentleman from Illinois be permitted to finish his remarks.

There was no objection.

Mr. HOPKINS. Now, Mr. Speaker, as I was saying, in 54 counties of the State of Kansas during the last ten years the population has decreased from one-half of 1 per cent to 68 per cent; and taking the entire State it has increased in population only 3 per cent—less than the births of the State.

How is it in the State of Nebraska? Nebraska, lying alongside of Kansas, is suffering not from this bill of the committee, but from Bryanism and Populism in that State. [Laughter.] The same conditions that have stagnated the energy and the enterprise of Kansas are operating in the same way in the State of Nebraska. And I find, Mr. Speaker, the astonishing fact that the district in Nebraska which contains the capital of the State has, during the ten years that Bryan and Populism have been dominant in that community, decreased in population 11,069.

I find also that the Second district, including the city of Omaha, has decreased in population during those ten years 13,996. Thirty-two counties out of a total of 90 in the State of Nebraska show a decrease in population. Now, the States that are making the greatest trouble and the most persistent opposition to the bill of the committee are these States. While I can sympathize with my Republican friends, I know no reason why they should have greater privileges given to them under an apportionment of this kind than are accorded to any other State.

Mr. CURTIS. We do not ask for any favoritism. All we ask is fair treatment. Give us a ratio that will save all the States.

Mr. HOPKINS. I will show the gentleman before I get through that he is favoring a bill that will give special privileges to his State, privileges not accorded to other States. I will show that the gentleman is advocating a bill which can not be defended.

Mr. LITTLEFIELD. Based on your tables.

Mr. CURTIS. Based on your own tables.

Mr. HOPKINS. I beg your pardon. Now, we will see—

Mr. LITTLEFIELD. Well, let us see if they are not.

Mr. HOPKINS. Now, we will see whether these gentlemen who represent these States that are nonprogressive [laughter], that have not kept up with the procession—we will see, Mr. Speaker, whether they are so exceedingly fair and generous and just to the other States as their language indicates. Facts and figures will determine that. Now, I find by referring to the Burleigh bill that it says that after the 3d day of March, 1903, the House of Representatives shall be composed of 387 members, to be apportioned among the several States as follows:

Alabama, 9; Arkansas, 7; California, 8; Colorado, 3; Connecticut, 5; Delaware, 1; Florida, 3; Georgia, 11; Idaho, 1; Illinois, 25; Indiana, 13; Iowa, 11; Kansas, 8; Kentucky, 11; Louisiana, 7; Maine, 4; Maryland, 6; Massachusetts, 14; Michigan, 12; Minnesota, 9; Mississippi, 8; Missouri, 16; Montana, 1; Nebraska, 6; Nevada, 1; New Hampshire, 2; New Jersey, 10; New York, 37; North Carolina, 10; North Dakota, 2; Ohio, 21; Oregon, 2; Pennsylvania, 32; Rhode Island, 2; South Carolina, 7; South Dakota, 2; Tennessee, 10; Texas, 16; Utah, 1; Vermont, 2; Virginia, 10; Washington, 3; West Virginia, 5; Wisconsin, 11; and Wyoming, 1.

The gentleman from Maine [Mr. LITTLEFIELD] says that their bill is predicated upon the figures that have been presented by the Director of the Census. I have carefully studied the figures given by the Director of the Census, and I fail to agree with the gentleman. I turn to the same figures I have been discussing in attempting to explain the bill of the committee, and I find that in

the so-called Burleigh bill they have given to the State of Nebraska 6 members, whereas under the figures as prepared by the Director of the Census Nebraska is only entitled to 5 members. I find that they have given to the State of Maine 4 members, whereas under the figures prepared by the Director of the Census, under a representation of 386, Maine is only entitled to 3 members.

Mr. LITTLEFIELD and Mr. LONG rose.

Mr. HOPKINS. I will give you an opportunity later on.

Mr. LONG. The gentleman has referred to the wrong computation.

Mr. HOPKINS. I have not. The gentleman says I am referring to the wrong computation. I will take that up and I will show to the members of the House whether I am right or not.

Mr. LITTLEFIELD. No; you have simply stepped from one table to another.

Mr. HOPKINS. The gentleman from Maine is the one who has been stepping.

Now, let us have no mistake about this. I call the attention of the members of the House again to the so-called Burleigh bill, which declares that the representation in the House shall consist of 386 members. The gentleman from Maine [Mr. LITTLEFIELD] who interrupted me says that bill was prepared upon the tables presented by the Director of the Census.

I turn to the tables prepared by the Director of the Census, and under a representation of 386 I find that Maine, under those figures, is entitled to only 3 members, while under the Burleigh bill she is given 4. Where does she get that additional member? I find by running down the figures a little farther that Pennsylvania is entitled to 32 members, with a major fraction of 120,515. Pennsylvania is given nothing for her major fraction and Maine, with a major fraction less than Pennsylvania, is given an additional member.

Mr. LITTLEFIELD. What table is that?

Mr. HOPKINS. It is the table on page 17. I find that Nebraska is entitled, under this table, to only 5 members, and they have given her 6. Going on down the table, I find that New York is entitled to 38 members, while she is only given 37.

Mr. LONG. Mr. Speaker—

Mr. HOPKINS. One moment. I will come to you pretty soon.

Mr. LONG. I hope the gentleman will be fair.

Mr. PEARSON. The gentleman is reading from the wrong table.

Mr. LONG. Certainly; he has deliberately done that.

Mr. HOPKINS. I find that, taking the table prepared by the Director of the Census, these gentlemen who have prepared the Burleigh bill have gone to the State of Pennsylvania and deliberately taken one member from that State, under the basis of 386 members, and given that member to the State of Maine. I find that Maine, entitled under these figures to only 3 members, is given 4 in the Burleigh bill by taking a member from New York. That is the way they get their 386 members.

But gentlemen say that these are the wrong figures; that they are doing their business under the figures 384. Now, when you get the 384, you will find that after exhausting the members that represent the fractional numbers, as was done by the Committee on the Census, Nebraska and Virginia have only 5 and 9 members, and that without rhyme or reason, without any basis whatever, but by the mere exercise of arbitrary force, they add to these States 2 members, making 386, but still say they are figuring on the basis of 384. Now, that can not be done with any degree of justice to the other States, as I am prepared to show you to-day.

Mr. LONG. Will the gentleman yield?

Mr. HOPKINS. I will.

Mr. LONG. Are not those majority fractions both in Nebraska and Virginia, and are they not the only majority fractions unrepresented in that table of 384?

Mr. HOPKINS. Well, what of that?

Mr. LONG. I ask that as a question.

Mr. HOPKINS. Certainly; but what of it?

Mr. LITTLEFIELD. Is not your whole theory based on majority fractions?

Mr. HOPKINS. These gentlemen can not dodge the issue by calling attention to the major fractions, because, as I have already shown, if they have done as they say, they have followed the system down through and exhausted the members represented by fractions before they reach Nebraska or Virginia, and then without rhyme or reason they have taken two members and given one to each of those States, and by doing that they make the membership 386.

Now, if you make the membership of this House 386 on the ratio that they propose, the State of New York is entitled to 38 members and the State of Pennsylvania is entitled to 33, while the State of Maine is only entitled to 3 and the State of Nebraska is entitled to only 5; but they give Maine 4 and Nebraska 6.

Now, I want to know if there is a member from New York here who loves the State of Maine so well that he is willing to have his State lose a member to which she is entitled and give that member

to the State of Maine? I want to know if there is a member here from the State of Pennsylvania who thinks so much of the grand old Mother of Presidents that he is willing to deprive the State of Pennsylvania of the representation that she is entitled to and give a member to the State of Virginia to which she is not entitled?

So much, Mr. Speaker, for the figures. Now, let us take another view. I undertake to say that a more unfair bill was never presented to any House than the bill that is fathered by the gentleman from Maine. I undertake to say that with their 386 members, as they are figuring it, they have violated the Constitution of the United States and have a separate ratio for every State.

Mr. Speaker, if I can have the attention of both sides of the House, I desire to show up some of the shortcomings of the Burleigh bill. I desire to show to the members how it is that the gentlemen from Maine who have been seeking to get that bill adopted here are to profit by it, to the detriment of the other States in the Union.

If there is anything that is sacred in this country, it should be an apportionment bill. If there is anything that should approximate equal and exact justice between all the States as nearly as possible, it should be a bill of this kind. And yet I find, when I come to examine the Burleigh bill, as I have stated, that it provides a different ratio for every State. Now, to show to gentlemen that I am not talking without having the facts and figures back of me, I desire to call their attention to those figures.

You will find that the population of the State of Maine under the present census is 694,466 people. They insist that for that population they shall have 4 Representatives in Congress. If that population is entitled to 4 Representatives, then I submit that every other State in the Union with a population of that number should have an equal number of members of Congress. I recognize the ability of the people of Maine; I recognize the splendid position that Maine holds in the Union; but I did not know until the Burleigh bill was presented that a less number of her people were entitled to a member of Congress on this floor than the people of other States in the Union.

Under the Burleigh bill they get 4 members of Congress for 694,466 people. That makes a ratio of population of 173,617. Now, let us see what they do with the larger States. That is the ratio of population for Maine. For the State of Illinois they require us to have a ratio of population of 192,862. For the State of New York they require us in the Burleigh bill to have a ratio of population for every member of Congress of 196,305.

Mr. LITTLEFIELD. Let me ask the gentleman this—

Mr. HOPKINS. Just a moment. For the State of Pennsylvania they require for every member of Congress a population of 196,941. So that you can see—

Mr. LITTLEFIELD. May I ask the gentleman a question?

Mr. HOPKINS. Yes, sir.

Mr. LITTLEFIELD. Does the gentleman deny that the Burleigh bill, as to which he seems to be so exercised, is made exactly upon a table furnished by the Director of the Census on the basis of 384 members, and that the representation of each State, Illinois and Maine included, is in accordance with his figures on that basis? Do you deny that?

Mr. HOPKINS. Why, Mr. Speaker—

Mr. LITTLEFIELD. Do you deny that as to Maine or Illinois?

Mr. HOPKINS. I am not on the stand and do not propose to be cross-examined by the gentleman. I will explain the matter in my own way.

Mr. LITTLEFIELD. Very true.

Mr. HOPKINS. Will the gentleman sit down?

Mr. LITTLEFIELD. I suppose so.

Mr. HOPKINS. You can stand if you prefer.

Mr. LITTLEFIELD. I will sit if it is not inconvenient to the gentleman.

Mr. HOPKINS. It is a matter of indifference to me whether you sit or stand. I do not know what operated upon the mind of the gentleman from Maine in preparing the Burleigh bill. I do not know what figures he had. All that we could do is to take 386 members and analyze and see whether in preparing the Burleigh bill the gentleman from Maine has treated each of the States of the Union as he has treated his own State. I have shown that he proposes that every 173,617 in the State of Maine shall be entitled to a member of Congress.

Now, in the State of Pennsylvania he does not propose that that number shall be entitled to a member of Congress, but that in Pennsylvania they shall have 196,941 people to be entitled to a member. Now, let me carry these figures out and show the injustice that comes from this Burleigh bill. New York is required under the Burleigh bill to have 22,688 more people in every one of the 37 Congressional districts than is required in the 4 districts of Maine. You multiply that by 37, the districts that the Burleigh bill gives, and it makes an aggregate of 839,456 people; a larger population would be without representation, if the ratio was the same as in Maine, than they have now in the State of Maine by nearly 200,000.

Mr. JONES of Washington. Along that same line, I want to know if it is any more unjust than the results under your bill? [Laughter].

Mr. HOPKINS. I do not yield to the gentleman from Washington to ask me a question on my bill. I am taking up these bills one at a time and am discussing the Burleigh bill now. If he has any question to ask concerning the Burleigh bill, I will answer it.

In analyzing the bill I find that it requires 23,324 more people in every Congressional district in the State of Pennsylvania than in the State of Maine; or, taking the entire State of Pennsylvania, it aggregates a population of 746,368 people that are unrepresented if the ratio should be as the ratio in the State of Maine. Now, how is it in Illinois? I find that in Illinois we are required to have a population of 19,245 more people in every one of the 25 Congressional districts than they have in any one of the Congressional districts in Maine, making an aggregate of more than 481,125. Now, you take these unrepresented people in the three States—New York, Pennsylvania, and Illinois—and they aggregate 2,066,945 people who are unrepresented on this ratio in order to allow the little State of Maine to have 4 Representatives in Congress.

Mr. LONG. Will the gentleman yield to me for a question?

Mr. HOPKINS. Certainly.

Mr. LONG. I want to know whether you have done just right in your bill?

Mr. HOPKINS. I decline to yield to that question.

Mr. Speaker, my bill is not just at this moment under consideration. I will answer any question relating to the Burleigh bill.

Mr. WILSON of South Carolina. Will the gentleman yield to me for a question?

Mr. HOPKINS. I will.

Mr. WILSON of South Carolina. Is not the fact to which you now advert due to the consideration that as the ratio is decreased the major fractions are increased, and consequently larger States have larger aggregate major fractions than the smaller States; and is it not due to that consideration, and for this reason, that you select the large States of New York and Pennsylvania?

Mr. HOPKINS. If Maine is entitled to a member of Congress for 173,617 people, why not make that the ratio? Do you see any objection to that for South Carolina?

Now, what I desire to know, Mr. Speaker, is if 173,000 people in round numbers is sufficient for a member of Congress in Maine, why is not that number good in New York, why not in Illinois, why not in Minnesota, and South Carolina?

Mr. LITTLEFIELD. May I ask the gentleman a question?

Mr. HOPKINS. Yes, sir.

Mr. LITTLEFIELD. If 26,955, which is your basis in Colorado, is good for a Representative there, why not elsewhere?

Mr. HOPKINS. I decline to be interrupted.

Mr. LITTLEFIELD. It depends upon the question asked.

Mr. HOPKINS. Now, Mr. Speaker, I am not going to be diverted by any of these outside issues. The gentleman knows very well I am discussing the Burleigh bill, and undertaking to show that it inflicts injustice on the other States. I can understand how an astute lawyer when he has a desperate case that he can not win on the merits will undertake to throw dust in the eyes of the jury by an outside issue.

Mr. LONG. Can not we compare your bill with the Burleigh bill?

Mr. HOPKINS. Not now.

Mr. LONG. That is not permissible.

Mr. HOPKINS. Mr. Speaker, I find by calculation that if you allow to New York the same right that is accorded to Maine under the Burleigh bill, if you give her a member for every 173,617 people, and a member for every majority fraction, instead of being entitled to 37 members, New York should have 42 members under this bill. She is deprived of 5 members. I find that Pennsylvania under the same ratio that Maine claims her 4 members, instead of being entitled to 32 members, as is given her in the Burleigh bill, is entitled to 36 members, with a fraction of 51,903 people.

I find that Illinois, under the ratio that the gentleman from Maine proposes for her 4 members of Congress, would be entitled, instead of 25 members, to 28 members, or 27 with a fraction of 133,000, which under their ratio gives 28. In other words, if the Burleigh bill treated New York, Pennsylvania, and Illinois as fairly as it treats Maine, and gave them a member of Congress for every 173,000, in round numbers, as they do Maine, 12 additional members of Congress would be added to these three States.

I want to know, if we are dealing fairly with the large States as well as the small ones, why it is that these gentlemen do not make the ratio for the three States I have named the same as they do the ratio for their States?

I will not stop with three States. I have made a computation with some of the other States. I will take up the grand old Commonwealth of Massachusetts, lying right along by the side of Maine, where their interests are almost identical, and where it is

supposed that a man in Massachusetts is equal to a man in Maine. I find that under the Burleigh bill only 14 members are assigned to Massachusetts, with a population of 2,805,346 people.

Now, they make the ratio of population in Massachusetts 200,382. In other words, every Congressional district in Massachusetts under the Burleigh bill is required to have 23,765 more people than any of the districts in the State of Maine, and multiplying that by 14, the number of members given Massachusetts in the Burleigh bill, makes 374,710 people unrepresented, on that ratio, in the State of Massachusetts.

The next comparison I have made I want to call to the attention of my friend from Minnesota, who is on the committee, and who has signed the minority report, and who favors the Burleigh bill, Mr. HEATWOLE. Minnesota has a population of 1,949,626. She is allowed in the Burleigh bill 9 members. That makes a ratio of her population for a member 194,403. In other words, the gentleman from Minnesota [Mr. HEATWOLE], who joined his friend from Maine, says to the people of Minnesota that it requires 20,786 more people in a Congressional district in his State to equal a Congressional district of the State of Maine. He says to his people that 187,074 people can go unrepresented in order to give Maine more members.

Now, here we have this young giant from the West, her population increasing in a marvelous manner compared with the State of Maine that for forty years has not increased her population over 10 per cent, and yet representing the committee as he did, he is willing to give a member of Congress in that State for every 173,000 of population where 194,403 is required in the State of Minnesota. And in three years, by the increase of population in that State, that 194,000 will reach 200,000, 205,000, 210,000; and yet, in order that Maine may be taken care of, forgetting the great and growing West, he says the bill proposed by the majority of the committee, that recognizes the rights of Minnesota with all the other States, shall be set aside and this substitute bill, that takes care of the State of Maine, shall be substituted in its stead.

I commend these figures to other members from the State of Minnesota and leave it for them to determine whether Minnesota, which would be entitled to 10 members on the ratio that Maine gets 4, shall be content with 9 as given to it in the Burleigh bill.

Now, something has been said about the State of Ohio under the bill reported by the majority of the committee. That State loses 1 member under the bill that is reported by the majority of the committee. Under the Burleigh bill they have sought to obtain votes from the State of Ohio to support Maine's contention in the Burleigh bill by putting back 1 member and giving her a representation in the next Congress under this apportionment bill of 21 members.

Let us look at the figures and see whether Maine has dealt justly with Ohio. We find that Ohio has a population of 4,157,545. She is given, as I have said, 21 members, requiring a population of 197,978 for every Congressman. In other words, it takes a population of 24,361 more in every district of Ohio than it does in the State of Maine to entitle her to a Representative. Ohio, on the ratio of a population of 173,617, is entitled not to 21 members, as proposed in the Burleigh bill, but to 24 members.

Can anybody say that the great State of Ohio, with her splendid representation on this floor, is not entitled to the same representation on population that the State of Maine is? If Maine is to have 4 members, why not on the same ratio give Ohio 24? Is there any member from Ohio who has been urged to support the Burleigh bill who for a moment would be willing to sacrifice 3 members from that State and give Maine 4 members?

Let me take up another State. Thus far in my analysis of the Burleigh bill I have confined myself to the Northern States. I now call the attention of the members of the South to the State of Texas. Texas has a population of 3,408,710. Under the Burleigh bill she is given a representation of 16 members; but we find that it requires under this representation 16,927 more population in each Congressional district in that State for a Representative to Congress than it does in the State of Maine. Texas, on a ratio of 173,617, is entitled, according to population, to 18 members, instead of 16, as given by the Burleigh bill.

My friend [Mr. BALL] intimated the other day that he would give his support to the Burleigh bill. I want to know whether he is willing to support that bill when he thereby sacrifices two members in the State of Texas. Is there any member from the State of Texas who would be so unjust to that magnificent State of the Southwest as to deprive her, under this ratio, of two members?

Mr. Speaker, I have some more figures here that carry out and illustrate just what I have said. Take the State of Iowa, that is allowed 11 members under the Burleigh bill. She has a population of 2,231,853. Under the Burleigh bill she is required to have a ratio of 202,896. In other words, it takes 29,229 more people for every Congressional district to elect a member of Congress in the State of Iowa under the Burleigh bill than it does in the State of Maine.

Mr. LACEY. Will the gentleman allow me a moment? I have

here House bill 17677—the Burleigh bill, as I understand. Is not that the one which is intended as a substitute for the committee bill?

Mr. HOPKINS. Yes, sir.

Mr. LACEY. This bill gives Iowa 12 members.

Mr. HOPKINS. I will say to the gentleman that that is one of the anomalies of the bill. The gentlemen who prepared that bill gave Iowa in the first place 12 members, and then, without rhyme or reason, took one member away from her and proposed to give her only 11.

Mr. LACEY. Is not this the correct print of the bill?

Mr. HOPKINS. No; the substitute which they propose is in the report of the committee. The bill which the gentleman has in his hand represents the arrangement with which those gentlemen first started. This matter furnishes an illustration of the beauties of the Burleigh bill. When those gentlemen thought they could get along without Iowa they cut her down one member, allowing her 11 Representatives instead of 12. But if Iowa is allowed representation on this floor upon the ratio of population which Maine insists upon, she would be entitled, instead of 11 or 12 members, to 13 members.

Mr. LONG. The gentleman certainly means to be fair. I call his attention to the fact that according to this table of 384 members Iowa has not a major fraction, while Virginia and Nebraska have. Certainly the gentleman has read the report of the minority of the committee, in which they state that they take the computation of the Director of the Census on the basis of 384 members, and add these two States because they have majority fractions.

Mr. HOPKINS. I want to say to the gentleman that he can not lay that flattering unction to my soul, and say that I shall be bound by the 384 computation. I take the bill which says that the representation in this House shall be 386. If the membership is 386, you can not get any such figures as you propose under 384. You can take 384 and make a representation for a part of the House, and then take some arbitrary figures for the rest of your bill that is not in accordance with the principles of the Constitution of the United States.

Mr. LONG. Did not Mr. Webster, in his report, insist that every State with a majority fraction should be accorded a Representative upon that fraction?

Mr. HOPKINS. Does the gentleman know why?

Mr. LONG. I ask the gentleman whether that is not the fact.

Mr. HOPKINS. I will state to the gentleman that Mr. Webster, in making that report, found the major fractions were such that there could be an additional member for every major fraction. The contention then was, or at least one of the contentions then was, that there must be some representation for minorities as well as majorities. But at the time Mr. Webster presented his report he fixed a definite number for the House and made the apportionment for the States, and then when the question of taking care of the fractions arose it was found that there would be additional members on that ratio to take care of all the major fractions.

Mr. LONG. Does the gentleman not know that he is misstating the facts in that case?

Mr. HOPKINS. I know I am not.

Mr. LONG. I know you are, and will show it to you.

Mr. HOPKINS. That is all right enough, but I know I am not. I have the report in my desk.

Mr. LONG. In regard to 1832?

Mr. HOPKINS. Mr. Webster made his report under the census of 1830.

Mr. LONG. Yes.

Mr. HOPKINS. When the controversy was between him and the House, and Mr. Polk as chairman of the committee. Now, Mr. Webster did say just what I have said, but the reason that he said so was because in that instance there was a member for every major fraction. Is not that so?

Mr. LONG. I will say to the gentleman—

Mr. HOPKINS. Answer my question.

Mr. LONG. I will do it.

Mr. HOPKINS. Well, do it, then.

Mr. LONG. Under that amendment—

Mr. HOPKINS. Is not that so?

Mr. LONG. It is not so. They started with a House of 250, and by according representatives to every major fraction they reached a House of 251, and the gentleman knows it if he has read the report.

Mr. HOPKINS. Oh, well, Mr. Speaker, the gentleman may get a little excited over this—

Mr. LONG. I am not a particle excited.

Mr. HOPKINS. But nobody can be misled on a question of that kind. The contention of Mr. Webster, between him and the House at that time, was that fractions should be represented.

Mr. LONG. What kind of fractions?

Mr. HOPKINS. Will you allow me right there for a moment?

Mr. LONG. Yes.

Mr. HOPKINS. Congress up to that time had never recognized fractions in making the apportionment. The great argument that Mr. Webster made was that fractions should be represented, and hence he did use the argument that all of these major fractions should be represented; but as I stated, in making their apportionment they could do that so as to take care of the members, but with a larger number of States, under the representation as we have it at the present time, we have been compelled to adopt the suggestion made by the Superintendent of the Census, Mr. Walker, to apply major fractions until the number of Representatives was exhausted.

Mr. LONG. May I ask the gentleman another question?

Mr. HOPKINS. Yes.

Mr. LONG. This letter of Mr. Walker's was sent to the House in 1881, was it not?

Mr. HOPKINS. Yes.

Mr. LONG. And in the apportionment of that year and in the apportionment of 1890 it was followed, was it not?

Mr. HOPKINS. Yes.

Mr. LONG. Now, in either of those apportionments was any State with a major fraction denied representation on that major fraction?

Mr. HOPKINS. Does not the gentleman know, just as I have stated to the House, that they increased the number of Representatives? That is the trouble that has been brought upon us at this time. You increase the number so as to take care of all of the major fractions every ten years and this generation will hardly pass away before we shall have a House of five or six hundred members.

We have come to the point where a limit must be made to the membership of the House. But if you follow the suggestion of my friend from Kansas [Mr. LONG] and allow a member for every major fraction, then you must increase it, not in the arbitrary way suggested by the gentleman from Kansas, but by increasing the other States until you reach a point where every State will be taken care of.

Now, if these gentlemen representing the Burleigh bill had followed the suggestion of Mr. Webster in that respect, instead of stopping at 386, as they have in this bill, they would have gone to 395. These figures presented here by the Director of the Census show that you can not reach any number where you can do exact and equal justice to all the States on the same ratio—mark this, on the same ratio—and take care of the major fraction in addition to that short of a membership of 395. Now, is not that correct?

Mr. LONG. The minority of this committee—

Mr. HOPKINS. Now, is not that statement correct?

Mr. LONG. The minority of this committee are following Mr. Webster.

Mr. HOPKINS. Is not that statement correct?

Mr. LONG. According to your Walker process, but not according to the Webster process.

Mr. HOPKINS. Yes; it is in accordance with the Webster process.

Mr. LONG. It is not.

Mr. HOPKINS. There is no difference—

Mr. LONG. There is a great difference.

Mr. HOPKINS. There is no difference between the Walker and Webster system, except this, that at that time, as I stated before, Mr. Webster found that the major fractions could all be taken care of; but that was not the burden of his argument.

The burden of his argument was to convince Congress that the fractions should be taken care of. You will find an elaborate report made by Mr. Polk, in which he produces arguments that are a credit to any man to show that it is unconstitutional to represent fractions at all. Now, if these gentlemen representing the Burleigh bill had sought to be entirely fair to the country, entirely fair to the members of the House, entirely fair to all the States, instead of stopping with 386, just where they could take care of those States that are doing the interrupting here to-day, they would have carried it up to 395. Then every State would have been properly and equitably represented on this floor.

But I judge from the fact that they stopped short of that, that they, as well as the majority of the committee, recognized the fact that we have reached the danger point in matters of legislation in increasing the membership of the House. They recognized that this House has to-day a membership fully as large as we ought to have, consistent with proper legislation. And they have simply adopted some method of figuring, I do not know by what process, by which they can get 386 and take care of their States. But, as I have shown, in doing that they do an injustice to Illinois, they do an injustice to New York, they do an injustice to Pennsylvania, to Iowa, to Indiana, and to all the great States, North and South.

Now, Mr. Speaker, I have shown that Iowa was entitled to 2 more members of Congress under the Burleigh bill than have been given to it by the authors of that bill. I now take up the State of Indiana. I am sorry that my good friend [Mr. GRIFFITH] from

the minority of the committee, has indorsed the Burleigh bill. I say that instead of being entitled to 13 members, if you were treating your State as well as you treat the State of Maine, instead of being content with 13 members you would insist upon 14.

Do you want to treat the State of Maine better than you treat your own State? Do you believe that it requires a larger population in Indiana to have a member of Congress than it does in the State of Maine? By your vote in support of this minority report you say so. You say to the people of Indiana that they have not the intelligence, the character, the capacity, so that a given number are entitled to the same representation on this floor that you give to the people of the State of Maine.

Mr. HEMENWAY. In reply to that statement I want to say that the Representatives from Indiana—at least part of them—and the people of Indiana have too much sense to pay any attention to the argument made upon the basis you are making it. [Laughter.]

Mr. HOPKINS. Well, that is all right, but I will give you the figures to show that I am right. Indiana has a population of 2,516,465 people, and on the ratio of Maine she would be entitled to 14 members. The gentleman can take that to himself or not, as he pleases.

Mr. HEMENWAY. If the gentleman will permit, he is taking Maine, where they give 1 member on a major fraction, and is dividing it by 4. Now, if he will take his own bill and take the State of Colorado he can make his own bill just as ridiculous as he is making this. [Applause.]

Mr. MILLER. And a great deal more so.

Mr. HOPKINS. But I am doing that because the State of Maine insists that she is entitled to 4 members, when by doing that, under a fraction, she takes a member from New York with a larger major fraction than Maine. You may view this from any standpoint, and I undertake to say, Mr. Speaker, that the Burleigh bill can not be defended on the representation given to the State of Maine. Under the Burleigh bill Michigan is entitled to 14 members instead of 12; Wisconsin is entitled to 12 instead of 11, and Virginia is entitled to 10 instead of 9. California, with a major fraction, is entitled to one more member than is accorded to her.

The State of South Carolina is entitled to 8, and a fraction of 124,000; and if that 124,000, which is a major fraction under the Burleigh bill, is considered, South Carolina is entitled to 8 members instead of 7; Missouri is entitled to 18 members instead of 16; Kentucky is entitled to 12 instead of 11; New Jersey is entitled to 11 instead of 10; Tennessee is entitled, under that ratio, to 12 instead of 10; Georgia is entitled to 13 instead of 11.

I have not the time to-day to go into an analysis of the Crumpacker bill. Before the close of the debate I shall have some observations to submit upon that, but I desire to wait until Mr. CRUMPACKER has had an opportunity to present his bill.

I have simply taken these tabulated statements to show to the members of the House the necessity of carefully examining the conclusions arrived at in the Burleigh bill. I have shown the inequalities, and that in every State there is a different ratio of population for representation than the one adopted for Maine.

I have undertaken to show, Mr. Speaker, that by the majority bill we have taken a common divisor—208,868—and made it applicable to every State, and that under that divisor equal and exact justice is given to every State in apportioning 335 members. The 22 unassigned members have been apportioned in the manner already explained, as equitably as it is possible to apportion members on fractions.

Mr. LLOYD. Is it not a fact, under the report of the majority of the committee, that in the State of Illinois you require 209,632 of a fraction to have a member, while in your bill you require 231,488 to entitle Maine to have 1 member?

Mr. LONG. And Colorado 269,000.

A MEMBER. And Vermont 170,000.

Mr. HOPKINS. Gentlemen can go into figures as they choose. This fact stands out prominently, and it can not be gainsaid by discussing the bill, and that is this, that the common divisor is 208,868. We find we have applied it to all States where it is applicable. Now, if there are any inequalities they are inequalities that come under the fact of applying it to the fractions, and the fractions are represented by these 22 members.

Now, if the entire population of the United States were not divided by State lines there would be no trouble whatever. But when I started out in my remarks I undertook to state clearly to the members of the House that it is impossible to do exact justice to every State and have the population represented. My analysis of the two bills has been to show that there are more inequalities presented in the Burleigh bill than are presented in the bill reported by the majority of the committee.

Mr. LITTLEFIELD. You have not made a single analysis of your own bill on the same basis on which you have examined the Burleigh bill.

Mr. HOPKINS. I have given the figures full and complete.

Mr. Speaker, it is not my purpose to detain the House longer.

I have simply given these facts and figures here to-day to arouse the attention and the interest of members. They have now the figures that are given to us by the Director of the Census, and every man can go and figure for himself.

My purpose is not so much to have 357 adopted, or 386, or any other number, as it is to call the attention of the members to the importance of the question. I do hope, however, this House will not be carried away by personal solicitation or by arguments of a political nature. I insist that in a great measure like this partisanship should be sunk, that personal interests should be forgotten, and that we should all unite, Democrats and Republicans alike, in framing a bill that will guard the interest of all the States in the most equitable and just manner that can be provided by the intelligence of this House. [Loud applause.]

Mr. HAY. I yield fifteen minutes to the gentleman from Colorado [Mr. SHAFROTH].

Mr. SHAFROTH. Mr. Speaker, it seems to be apparent from the questions which have been propounded to the chairman of the committee that there is something radically wrong in the formation of this bill. A bill which provides for representation in this House for the next ten years by the people of the various States of the Union should be most carefully framed.

I have attempted to look into the inequalities of the measure, and I find that they result from the error of adopting a defective system. The system which has been adopted by the chairman of the committee in the formulation of this bill works gross injustice to a number of States in the Union. I call attention first to the wrong which is done to the State of Colorado, because that is perhaps the most apparent. We find, according to the tables that are sent to us by the Director of the Census and upon which this bill is framed, that even if this House is reduced to the membership of 350 Colorado is entitled to an additional member.

If it is fixed at 351, she is entitled to an additional member. If fixed at 353, or 354, or 355, or 356, she is entitled to an additional member. But if the number 357 is picked out, then she is not entitled to an additional member. If the membership of the House goes beyond that to any extent, if it is 358 or 359 or any number up to 400, then she is entitled to an additional member. Out of the two sets of tables that are sent to this House by the Director of the Census, tabulating 100 illustrations, 50 under one system and 50 under another, there is but one number by which Colorado fails to get an additional member, and that is the number fixed by the committee that has brought the bill into this House. [Laughter.]

Now, Mr. Speaker, I maintain that any bill which is predicated upon a system that admits of an injustice of that kind is radically wrong. I want to call attention to the fact that if the representation is fixed at 213,000 inhabitants and for each major fraction of that number, Colorado is entitled to an additional member. If it is placed at 212,000, or 211,000, or 210,000, or 209,000 and major fraction, she is entitled to an additional member. But if it is fixed at 208,868 and major fraction, she is not. Can any man, according to principles of justice, explain that paradox satisfactorily? Is there any justice in a system that works such a wrong as that?

Mr. LITTLEFIELD. That is what the chairman would not answer.

Mr. SHAFROTH. That is what I tried to get him to answer. It may be that the system works out in mathematics that way; but no man can say it is just that a State which is entitled to an additional member, when its people are entitled to it, according to an apportionment of 213,000, is not entitled to it when that number is reduced to 208,000. There is no justice or fairness in selecting that number, and that is the only number by which Colorado fails to get the representation to which she is entitled.

Now, that is one illustration only as to how this system works. It also works the same with some other States. It works so with the State of Maine. Upon a certain apportionment Maine is entitled to maintain 4 members in this House, and yet upon an increased membership of the House it is not entitled to but 3. If the membership is placed at 383, 384, or 385, Maine is entitled to 4 Representatives, but if fixed at 386, she is entitled to only 3. If placed at 387 or 388, she is again entitled to 4 members, but if fixed at 389 or 390, she is entitled to only 3. "Now you see it and now you don't." Any system that works an injustice of that kind can not be defended by anybody upon principles of equity or fairness. If the State of Maine is entitled to 4 members upon the ratio of 1 Representative to each 194,689 inhabitants and major fraction, she is unquestionably entitled to the same number upon the ratio of 1 member to each 191,194 inhabitants and major fraction.

Mr. GAINES. How is that done; how does it come about?

Mr. SHAFROTH. It is done by means of a system which does not recognize that all major fractions are entitled to representation. The details of it are uninteresting. I went to the Census Bureau and told them there must be a mistake in their first set of tables. I saw the gentleman in charge of this compilation. He looked at it and said, "Colorado entitled to an additional member

at 350 or 351, and not entitled to one at a membership of 357? That must be a mistake." He looked at it further and said, "I don't know whether it is a mistake or not." He ran over the column of figures, recalculated it, and at last said: "No; it is no mistake." There may be no mistake, but it shows the injustice and unfairness of a bill predicated upon such a system.

Mr. LITTLEFIELD. How did he explain that it was produced?

Mr. SHAFROTH. He explained it on the same theory that the gentleman from Illinois [Mr. HOPKINS] attempted to—the shifting of the major fraction upon change of ratio. But he did not claim that it was fair. In fact, he said that it showed a serious defect in the system, and that the Bureau had not recommended any system.

The case of West Virginia is another illustration of the defect of the plan adopted by the committee. According to these tables West Virginia is entitled to 5 members if the membership of the House is placed at 351, or 1 Representative for each 212,438 inhabitants and major fraction, but is entitled to but 4 if the membership is fixed at 352 or 353, or 1 Representative for each 211,834 and major fraction or for each 211,294 and major fraction.

Mr. Speaker, I am opposed to this bill. I think it is predicated on a wrong basis, on a wrong theory, and I believe that if such iniquities as I have pointed out in the cases of Colorado, Maine, and West Virginia had appeared among the tables that were presented to Congress in 1850, when this system was first adopted, the Senate and House would have found that the old system of fixing a given number of inhabitants for each Representative and for each major fraction would come nearer doing equity among the States.

This latter system, which forms the basis of the second computation sent here by the Director of the Census, is, it seems to me, as perfect a system as it is possible to devise. The experts of the Census Bureau took a certain number—for instance, 200,000—and divided the population of each State by that number, giving to the State the number of Representatives determined by the quotient and major fraction, if one should result. In that way no State, in representation upon an increasing change of ratio, jumps up at one time and down at another. From the tables formed under this latter system you can not find—I have hunted for it in vain—an illustration such as Colorado, Maine, or West Virginia furnishes under the committee's system. It seems to me that the apportionment bill ought to be predicated upon a system that does not admit of irregularities and injustices such as exist in this bill.

Now, Mr. Speaker, I am in favor of a smaller ratio of apportionment and a larger House than is proposed by the bill presented by the chairman of the committee. To say that this House is going to cease to be a deliberative body because of 29 or 30 additional members is something that is preposterous. It is absurd to maintain such a proposition. This House is going to be just as much a deliberative body with 30 additional members as it is at the present time. It has not been a deliberative body for fifty years, and it never will be a deliberative body again unless you reduce the membership below 150.

When we observe the legislative bodies of the various nations of the world we are struck with the fact that this body, representing directly the people of the greatest nation on earth, is in fact a much smaller body than that which usually represents the people of other nations. The British House of Commons has a membership of 670, yet that body legislates for only 37,000,000 of people, whereas we legislate for over 75,000,000. And even the British House of Lords has 587 members. The French assemblies are large. France has a population of 38,000,000—just about half the population of the United States—yet the Senate of France consists of 300 Senators and the Chamber of Deputies of 585 members.

More than that, we find that even in the German Reichstag the number of members is 396, while the population of the German Empire is only 52,000,000. We find that Mexico, our neighbor to the south, has a House of Representatives in which one member is apportioned to every 40,000 people, making a House of 314 members, nearly as large as this body. Canada has a senate of 80 members and a house of commons of 213 members. We find that little Switzerland has a much larger representative body than this, although her population is not more than one-fifteenth as great as ours. The popular legislative body of Italy is 508, of Austria is 425, and of Hungary is 453.

The objection is made that this Hall is not large enough to justify any increase in the number of Representatives. Mr. Speaker, is it possible that we are going to regulate or control the membership of the greatest legislative body on earth because the confines of its chamber are not quite as extended as they might be? Is it possible that we may mean to determine the membership of the House by the room in which we happen to meet? Are we going to fit the membership of Congress to a certain room? But even upon this proposition the chairman of the committee is wrong.

This additional number of 29 Representatives can be easily accommodated in this Chamber. If you take out the lounges and seats in the lobby in the rear of the curtained railing, you will

have room for 75 more members if you wish to add that many. And it would be better for the House if that space were used in some way or other than it is at present. We know that the disorder in this House results from the noise occurring in the rear of the curtained railing in this very lobby, which ought to be abolished. The lounges and the seats ought to be taken out so that members can not sit down and converse with each other there. We could accommodate 75 additional members, if necessary, instead of 29, the number provided in the bill of the gentleman from Maine [Mr. BURLEIGH], and still have convenient passageways.

Thus we find that the arrangements necessary to accommodate the proposed increased membership can be made very easily. I have before me a chart of the seats of the House of Representatives. I have attempted to add 30 seats, to see whether there would result any inconvenience in the seating capacity of the House. I find that by simply adding two portions of a section of 10 in the rear and extending the last row as it now exists a little farther, so as to accommodate 5 more members, we should have an additional seating capacity of 15 seats on each side without in any manner interfering with convenient access to or exit from this Chamber.

If we want to have good order in this House, we can never have it while we have places in the rear concealed from the Speaker by curtains for members to sit down and discuss with each other public questions. There is where the noise comes from. You and I have seen members of the House stop during their speeches and ask persons in the rear of these curtains to desist from loud talking. It will never cease until the lobby is abolished. It will be abolished if the seats for 30 new members are placed there, and hence we will have better order than we do now.

Mr. Speaker, I contend there is no argument in the position taken that the size of this Chamber should limit the membership of this House; that the number of members of a great legislative body like the Congress of the United States should be determined by whether the Hall is suitable to accommodate a proposed number or not. But in this case the Hall is suitable—just as suitable for the number of members proposed in the Burleigh bill as the number proposed by the committee bill.

Mr. SIMS. In other words, the gentleman thinks that the proper membership of the House, not the capacity of the Hall, should be the paramount consideration.

Mr. SHAFROTH. Yes, sir; it seems to me that the House, and not the Hall, should be paramount.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BURLEIGH. I yield five minutes' more time to the gentleman.

Mr. SHAFROTH. Now, Mr. Speaker, it seems to me that the gentleman from Illinois [Mr. HOPKINS] in his remarks has attempted to prove too much in his declaration that on the ratio of inhabitants to Representatives for Maine given by the Burleigh bill Iowa loses 2; that Indiana loses 1; that New York loses 2; that Pennsylvania loses 2; that California loses 1; that South Carolina loses 1; that Missouri loses 1, and that Kentucky loses 1; in all, 21 members. That would require a House of 407 members. The Hopkins bill is subject to the same objection. Colorado has a population of 539,103, and yet is allowed only 2 members. It takes 269,551 inhabitants in Colorado to be entitled to a member, while in New York or Illinois it takes only about 208,000. If Illinois were allowed members on the same terms as Colorado, she would lose 4 members, instead of gaining 1; New York would lose 5 members, instead of gaining 1, and nearly all the States would lose. So it appears that the same logic of the gentleman from Illinois applied to his own bill causes much more injustice than the Burleigh bill.

Mr. Speaker, I do not believe the Burleigh bill is predicated upon a proper system, but it is a much better bill than the one proposed by the gentleman from Illinois. The number which I think is the fairest number, the one that is in accordance with the second set of apportionment tables sent by the Director of the Census, would be 387. That number would cause not a single loss to any State and would be predicated upon an apportionment of 194,000 inhabitants to each Representative.

Mr. Speaker, it may be that under the number 387 of this second system there will be gains to some States of 2 and 3, Illinois gaining 3, New York gaining 3, Texas gaining 3; but no one can contend that that apportionment would be anything except absolutely fair to all the States of the Union. In that apportionment the membership is determined by a basis of 194,000 inhabitants, by which the total population of each State is divided, and then allowing an additional Representative for each major fraction remaining. It seems to me that that number under the second system would be well for this House to adopt.

The gentleman from Illinois [Mr. HOPKINS] has said that this system which I am talking about now has inequalities. I tried to get the opportunity to ask him wherein the inequalities existed,

wherein there was any injustice done to any State, but he would not yield. He said that in the debates in the Senate and House in 1840 the injustice of the old system was denounced, but the debates in Congress were not upon the question of major fractions; were not upon the question of the apportionment which has been specified in this second set of tables sent by the Director of the Census. It was predicated upon the theory that nothing was allowed for any fraction whatever, whether it was a major fraction or not.

You can readily see that if 200,000 were the basis of apportionment agreed upon, and a State had a fraction of 199,000 unrepresented, that could be the basis of a strong argument against such injustice, and you can readily see that there might be an outpouring of wrath against a system that would admit of such an outrage. The allowing of representation upon major fractions did away with the injustice of the system. But the system that is proposed here by the Director of the Census, which allows a Representative for each major fraction, makes it as perfect a system as can be devised.

Mr. Speaker, it seems to me that the bill which is proposed by the gentleman from Illinois is a bill that has too many inequalities and works too much injustice to admit of its adoption by this House.

[Here the hammer fell.]

Mr. BURLEIGH. I yield to my colleague [Mr. LITTLEFIELD].

Mr. LITTLEFIELD. Mr. Speaker, the hour is so late that I could make but very little progress in my speech this evening, and for that reason I move that the House do now adjourn. I reserve my place, of course, for opening in the morning.

LEAVE OF ABSENCE.

Pending the vote on the motion to adjourn, leave of absence was granted as follows:

To Mr. ZIEGLER, for one week, on account of important business.

To Mr. BROWN, for two days, on account of sickness.

To Mr. BARTLETT, until Monday, on account of sickness in his family.

To Mr. WILSON of Idaho, indefinitely, on account of sickness.

The motion of Mr. LITTLEFIELD was agreed to.

Accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings of fact in the case of Mary Hughes, administratrix of Clarissa Young, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for expense of the International Bureau of the Permanent Court of Arbitration—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Interior, transmitting schedules of useless papers in the files of the Department—to the Joint Committee on Disposition of Useless Papers in the Executive Departments, and ordered to be printed.

A letter from the Secretary of War, transmitting a list of civilian engineers employed in river and harbor work—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the chairman of the Interstate Commerce Commission, transmitting the annual report of the commission—to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, Mr. BURTON, from the Committee on Rivers and Harbors, reported the bill of the House (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, accompanied by a report (No. 2136); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HENRY C. SMITH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12577) granting a pension to Sarah B. Schaeffer, reported the same with amendment,

accompanied by a report (No. 2137); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1148) to increase the pension of Capt. Isaac D. Toll, reported the same with amendment, accompanied by a report (No. 2138); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 633) granting an increase of pension to Vianna Mallard, widow of John Q. Mallard, reported the same with amendment, accompanied by a report (No. 2139); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12258) for the relief of John H. Doremus, reported the same with amendment, accompanied by a report (No. 2140); which said bill and report were referred to the Private Calendar.

Mr. STALLINGS, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12616) granting an increase of pension to Nancy T. Hardy, reported the same with amendment, accompanied by a report (No. 2141); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7810) granting a pension to Robert P. Currin, reported the same with amendment, accompanied by a report (No. 2142); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12415) granting an increase of pension to Carrie Otis Wallace, reported the same with amendment, accompanied by a report (No. 2143); which said bill and report were referred to the Private Calendar.

Mr. VREELAND, from the Committee on Pensions, to which was referred the bill of the House (H. R. 5613) to increase the pension of Louis Nessell, a survivor of the Mexican war, reported the same with amendment, accompanied by a report (No. 2144); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3232) granting an increase of pension to David Flinn, reported the same with amendment accompanied by a report (No. 2145); which said bill and report were referred to the Private Calendar.

Mr. WEYMOUTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11658) to place on the pension roll the name of Mary I. Nelson, reported the same with amendment, accompanied by a report (No. 2146); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12294) granting a pension to Lottie M. V. Rankins, reported the same with amendment, accompanied by a report (No. 2147); which said bill and report were referred to the Private Calendar.

Mr. BOREING, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12233) granting a pension to Ashel C. Aulick, reported the same with amendment, accompanied by a report (No. 2148); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 10118) for the relief of Mrs. Mary Flynn, of Mississippi, reported the same with amendment, accompanied by a report (No. 2149); which said bill and report were referred to the Private Calendar.

Mr. ESCH, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 5599) granting an honorable discharge to James L. Proctor, reported the same with amendment, accompanied by a report (No. 2158); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. BURTON, from the Committee on Rivers and Harbors: A bill (H. R. 13189) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes—to the Union Calendar.

By Mr. NAPHEN: A bill (H. R. 13190) to amend the war-revenue act approved June 13, 1898, so as to return to all religious, charitable, or educational institutions all moneys collected to this date under the provisions of the so-called war-revenue act—to the Committee on Ways and Means.

By Mr. DAVIS: A bill (H. R. 13191) providing for the erection of a public building at the city of Gainesville, Fla., and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. REEDER: A bill (H. R. 13192) to authorize the construction of artesian wells in Kansas—to the Committee on Irrigation of Arid Lands.

By Mr. HOPKINS: A bill (H. R. 13193) to authorize the Director of the Census to make payments for information concerning cotton gins, and for other purposes—to the Select Committee on the Census.

By Mr. HOWELL: A bill (H. R. 13194) authorizing the purchase of a building and lot for the use of the Post-Office Department at Asbury Park, N. J.—to the Committee on Public Buildings and Grounds.

By Mr. PAYNE: A bill (H. R. 13195) to amend section 5153 of the Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. HILL: A bill (H. R. 13196) to change United States notes into legal-tender gold certificates, and for other purposes—to the Committee on Banking and Currency.

By Mr. JENKINS: A bill (H. R. 13197) to regulate the coming of Chinese persons into the United States, and for other purposes—to the Committee on Foreign Affairs.

Also, a bill (H. R. 13198) supplemental to an act entitled "An act to incorporate the Reform School for Girls of the District of Columbia," approved July 9, 1888—to the Committee on the District of Columbia.

By Mr. SUTHERLAND: A bill (H. R. 13242) to authorize the construction of artesian wells in Nebraska—to the Committee on Irrigation of Arid Lands.

By Mr. KING: A bill (H. R. 13253) appropriating money to pave Florida avenue between First and Fourth streets NW.—to the Committee on Appropriations.

Also, a bill (H. R. 13254) for the reduction of interest penalties on arrears in taxes and special assessments in the District of Columbia—to the Committee on the District of Columbia.

By Mr. JENKINS: A joint resolution (H. J. Res. 287) authorizing the Secretary of War to grant permits to the committee on inaugural ceremonies for use of reservations or public spaces in the city of Washington on the occasion of the inauguration of the President-elect on March 4, 1901, and so forth—to the Committee on the District of Columbia.

By Mr. MONDELL: A joint resolution (H. J. Res. 288) providing for the printing of 5,000 copies of Bulletin No. 86 of the Department of Agriculture—to the Committee on Printing.

By Mr. GROSVENOR: A concurrent resolution (H. C. Res. 64) to print additional copies of Atlas of Chickamauga and Chattanooga Battlefields—to the Committee on Printing.

By Mr. LOUDENSLAGER: A resolution (H. Res. 326) that a sum equal to two months' salary be paid George C. Randall, B. W. Armstrong, John W. Herndon, J. M. McKay, and F. B. Lyon for extra services performed in the folding room, and so forth—to the Committee on Accounts.

By Mr. TAYLER of Ohio: A resolution (H. Res. 327) increasing the salary of Howard D. Pritchard, clerk in the Clerk's document room—to the Committee on Accounts.

By Mr. SHATTUC: A resolution (H. Res. 328) requesting information from the Director of the Census—to the Select Committee on the Census.

By Mr. MOODY of Massachusetts: A resolution (H. Res. 330) concerning the use of the Hall of the House of Representatives—to the Committee on Rules.

By Mr. BURTON: A resolution (H. Res. 331) directing the Clerk of the House to pay \$275 to such persons as may be designated by the chairman of the Committee on Rivers and Harbors, for clerical services during the present session—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN of Maine: A bill (H. R. 13199) for the relief of Daniel H. Towle, alias Henry Roberts—to the Committee on Military Affairs.

By Mr. BOWERSOCK: A bill (H. R. 13200) granting a pension to Thomas W. McCubbin—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 13201) for the relief of the estate of William J. Thompson—to the Committee on War Claims.

By Mr. BOREING: A bill (H. R. 13202) to remove the charge of desertion from the record of Joseph G. Curtis—to the Committee on Military Affairs.

By Mr. BREAZEALE: A bill (H. R. 13203) for the relief of the estate of Emil Rost—to the Committee on War Claims.

By Mr. COONEY: A bill (H. R. 13204) granting an increase of pension to Henry H. Brown—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 13205) granting a pension to Caroline Fitzsimmons—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 13206) granting a pension to Luvania Hawkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13207) granting a pension to Martin Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13208) granting a pension to Mary King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13209) granting a pension to Frederick Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13210) granting a pension to George W. Bean—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13211) granting a pension to Samuel Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13212) granting a pension to Andrew Goddard—to the Committee on Invalid Pensions.

By Mr. GAINES: A bill (H. R. 13213) for the relief of the estate of J. H. Frith—to the Committee on War Claims.

By Mr. GRAFF: A bill (H. R. 13214) granting an increase of pension to Jacob C. Hansel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13215) granting an increase of pension to Andrew R. Jones—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 13216) granting a pension to Huldah H. Smith—to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 13217) granting an increase of pension to Loyd B. Stephens—to the Committee on Invalid Pensions.

By Mr. KLEBERG: A bill (H. R. 13218) authorizing and directing the Secretary of the Treasury to pay certain money to A. May, late postmaster at Yoakum, Tex.—to the Committee on Claims.

By Mr. MORRIS: A bill (H. R. 13219) granting a pension to Isham Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13220) granting an increase of pension to Hubert Bascombe—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 13221) granting a pension to William W. Isaacs—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 13222) granting a pension to N. B. McKay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13223) granting an increase of pension to Francis O'Leary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13224) to correct the military record of David Kunkle—to the Committee on Military Affairs.

Also, a bill (H. R. 13225) granting a pension to Albert Donaldson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13226) granting an increase of pension to William C. McGonigal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13227) granting an increase of pension to Lewis Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13228) granting an increase of pension to John M. Phifer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13229) to remove the charge of desertion standing against John C. Jones—to the Committee on Military Affairs.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13230) for the relief of the estate of Peter S. Baker—to the Committee on War Claims.

Also, a bill (H. R. 13231) for the relief of the estate of W. W. McCrary—to the Committee on War Claims.

Also, a bill (H. R. 13232) for the relief of the estate of William P. Tanner—to the Committee on War Claims.

Also, a bill (H. R. 13233) for the relief of Jacob A. Paulk—to the Committee on War Claims.

Also, a bill (H. R. 13234) for the relief of James Massey—to the Committee on War Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 13235) granting a pension to William Kyle, a soldier of the Mexican war—to the Committee on Pensions.

By Mr. VANDIVER: A bill (H. R. 13236) granting a pension to James Barton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13237) granting a pension to Jacob Hoerr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13238) granting a pension to Lieut. Andrew Litzelfelner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13239) granting a pension to John Bartmann—to the Committee on Invalid Pensions.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 13240) to increase the pension of Laban Ricketts—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 13241) for the relief of Jesse M. Pearson—to the Committee on War Claims.

By Mr. BROUSSARD: A bill (H. R. 13243) for the relief of the estate of Raphael Segura—to the Committee on War Claims.

Also, a bill (H. R. 13244) for the relief of Gustave Neriaux—to the Committee on War Claims.

Also, a bill (H. R. 13245) for the relief of Rose E. Neriault—to the Committee on War Claims.

Also, a bill (H. R. 13246) for the relief of the estate of Adolph C. Orillion—to the Committee on War Claims.

Also, a bill (H. R. 13247) for the relief of the estate of Alexander Roth—to the Committee on War Claims.

Also, a bill (H. R. 13248) for the relief of the estate of Mrs. Ellen Morrissey—to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 13249) granting a pension to Frances A. Tillotson—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13250) for the relief of B. W. Johnson—to the Committee on Claims.

By Mr. JAMES R. WILLIAMS: A bill (H. R. 13251) granting a pension to James M. Alderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13252) granting a pension to Margaretha Mossman—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELLAMY: Petition of keepers and surfmen of life-saving station at Oak Island, North Carolina, for the passage of the bill to increase their pay—to the Committee on Interstate and Foreign Commerce.

By Mr. BRICK: Petitions of Polish societies of South Bend, Ind., for the erection of a monument to Count Casimir Pulaski in Washington, D. C.—to the Committee on the District of Columbia.

By Mr. CONNELL: Resolution of the Pennsylvania Republican State committee, Harrisburg, Pa., sustaining the Burleigh report relating to Congressional apportionment—to the Select Committee on the Census.

Also, resolutions of Philadelphia Chapter of the American Institute of Architects, in relation to a railroad station on the Mall, Washington, D. C.—to the Committee on the District of Columbia.

Also, resolutions of Good Roads Convention, held in Chicago, Ill., asking for an appropriation of \$150,000 for the office of Public Road Inquiry—to the Committee on Agriculture.

Also, resolutions of the Methodist Episcopal Church of Peckville, Pa., favoring the exclusion of the liquor traffic in Africa, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. COUSINS: Petition of citizens of Scotch Grove and Wyoming, Iowa, to ratify treaty between civilized nations relative to alcoholic trade in Africa—to the Committee on Alcoholic Liquor Traffic.

By Mr. FOSS: Petition of Smith-Wallace Shoe Company and other firms of Chicago, Ill., for the repeal of the tax of 15 per cent ad valorem on imported hides—to the Committee on Ways and Means.

Also, petition of sundry citizens of Chicago, Ill., against island saloons and canteens—to the Committee on Military Affairs.

By Mr. FLETCHER: Petition of citizens of Minneapolis, Minn., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. GAINES: Petition of Mrs. Della Sinnott and others, of Tennessee, for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of E. W. Bland and others, of Rural Hill and vicinity, Tennessee, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. GIBSON: Petition of the heirs of James A. Prater, deceased, of Blount County, Tenn., for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. GRAHAM: Petition of the League of American Municipalities, favoring an appropriation in behalf of the Southern States and West Indian Exposition at Charleston, S. C.—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the T Square Club, of Philadelphia, Pa., in relation to proposed changes in the White House—to the Committee on Public Buildings and Grounds.

Also, petition of the A. Colburn Company, of Philadelphia, Pa., in behalf of the pure-food bill—to the Committee on Agriculture.

Also, resolutions of the National Association of Agricultural Implements and Vehicle Manufacturers, of Chicago, Ill., asking for an appropriation for irrigation surveys and maps of irrigable public lands—to the Committee on Appropriations.

Also, petition of the United Presbyterian Congregation of New Alexandria, Pa., in favor of an amendment to the Constitution against polygamy, and various other reform measures—to the Committee on the Judiciary.

By Mr. GREENE of Massachusetts: Resolutions of Cumberland Naval Veteran Association, of New Bedford, Mass., for the passage of Senate bill No. 3422—to the Committee on Naval Affairs.

By Mr. GRIFFITH: Paper to accompany House bill No. 9614, to correct the military record of William McFarland—to the Committee on Military Affairs.

By Mr. GROUT: Petition of Vermont State Federation of Women's Clubs in favor of the forestry reserve and national park in Minnesota—to the Committee on the Public Lands.

Also, petition of James D. Pullen, of Brattleboro, Vt., for the repeal of the duty on tea—to the Committee on Ways and Means.

Also, petition of the National Patriotic Federation protesting against the passage of Senate bills 1929 and 2329, relating to steam railroads that enter the District of Columbia—to the Committee on the District of Columbia.

By Mr. JACK: Petition of J. T. Cole and other citizens of Derry, Pa., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. JOHNSTON: Petition of J. H. Copenhagen, administrator of Bayless G. Farley, of West Virginia, for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of W. H. Morris, of West Virginia, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. KERR: Petitions of Rev. H. W. McDowell and other citizens of Norwalk and Savannah, Ohio, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petitions of the Friends' Sunday School of Greenwich, Ohio; Christian Endeavor Society and Congregational Church, of Norwalk, Ohio; William Behant and others, urging the passage of House bill No. 12551, for the protection of native races in our islands against intoxicants and opium—to the Committee on Alcoholic Liquor Traffic.

By Mr. KLEBERG: Petitions of J. B. McCampbell and others, W. L. Rea and others, J. M. Rodrigues, O. A. Mills, S. S. Cox, A. P. Frick, and others, in the State of Texas, asking for the improvement of Aransas Pass—to the Committee on Rivers and Harbors.

By Mr. McALEER: Resolutions of National Association of Agricultural Implements and Vehicle Manufacturers and petition of Quaker City Rubber Company, of Philadelphia, Pa., favoring appropriation for irrigation surveys—to the Committee on Irrigation of Arid Lands.

Also, resolution of National Good Roads Association, Chicago, Ill., favoring appropriation for good roads—to the Committee on Agriculture.

Also, petition of the A. Colburn Company, Philadelphia, Pa., in behalf of the pure-food bill—to the Committee on Agriculture.

By Mr. McCLELLAN: Three petitions of citizens of New York City, N. Y., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. ROBB (by request): Petition of soldiers of the Eightieth Regiment Missouri Militia, asking for the passage of a bill by which the members of the Missouri Militia may be placed on the pensionable list—to the Committee on Military Affairs.

Also (by request), petition of citizens of Iron County, Mo., asking for the passage of a bill authorizing the Adjutant-General of the United States to grant an honorable discharge to Andy McCue, late of Company D, Sixty-third Regiment Missouri Militia, so that he may be placed on the pension roll—to the Committee on Military Affairs.

By Mr. RUSSELL: Petition of druggists of Killingly, Conn., for the repeal of the special tax on proprietary medicines, etc.—to the Committee on Ways and Means.

Also, papers to accompany House bill granting a pension to Frances A. Tillotson—to the Committee on Invalid Pensions.

By Mr. SHATTUC: Petition of Durrell Bros. and other firms of Cincinnati, Ohio, urging the repeal of the tax on hides—to the Committee on Ways and Means.

By Mr. VANDIVER: Paper in support of House bill for the relief of Andrew Litzfelner, of Company I, Fifty-sixth Regiment Missouri Militia—to the Committee on Invalid Pensions.

By Mr. JAMES R. WILLIAMS: Petition of Laban Rickets, to accompany House bill granting him an increase of pension—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of N. B. Greathouse—to the Committee on Invalid Pensions.

Also, papers to accompany House bill No. 12720, for the relief of Margaretha Mossman—to the Committee on Invalid Pensions.

By Mr. YOUNG: Petition of the Republican State committee of Pennsylvania, in favor of the Burleigh report on Congressional apportionment—to the Select Committee on the Census.

Also, letter of Charles H. Cramp, of Philadelphia, Pa., protesting against the registration of foreign-built vessels beyond the date fixed in the bill now pending in the House—to the Committee on the Merchant Marine and Fisheries.

Also, petition of John F. Betz & Son, of Philadelphia, Pa., for relief from the revenue tax on beer—to the Committee on Ways and Means.

Also, resolution of the T Square Club, of Philadelphia, Pa., in relation to proposed changes in the White House—to the Committee on Public Buildings and Grounds.

Also, resolution of the National Good Roads Convention, Chicago, Ill., in relation to road improvement—to the Committee on Agriculture.

Also, resolutions of the National Association of Agricultural Implement and Vehicle Manufacturers, Chicago, Ill., favoring legislation in regard to irrigation of public lands, surveys, etc.—to the Committee on Appropriations.

Also, resolutions of the Grocers and Importers' Exchange and Quaker City Chapter, Daughters of the American Revolution, Philadelphia, Pa., in favor of legislation transferring the present mint building to the city of Philadelphia—to the Committee on Public Buildings and Grounds.

Also, petition of the A. Colburn Company, of Philadelphia, Pa., in behalf of the pure-food bill—to the Committee on Agriculture.

SENATE.

SATURDAY, January 5, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.
The Journal of yesterday's proceedings was read and approved.

CONSULATE AT NIUCHWANG, CHINA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, relative to an appropriation of a salary of \$3,000 for a consulate at Niuchwang, China; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. DEBOE presented a petition of sundry citizens of Kentucky, praying for the adoption of an amendment to the Constitution and to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry business firms of Hopkinsville, Ky., praying for the repeal of the revenue tax on checks, telegrams, contracts of sale, etc.; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Kentucky, praying for the enactment of legislation giving relief to certain State militia; which was referred to the Committee on Military Affairs.

Mr. DOLLIVER presented a memorial of the Retail Grocers' Protective Association of Burlington, Iowa, remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Danbury, Iowa, praying for the repeal of the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of the First National Bank, the National State Bank, and the Henry County Savings Bank, all of Mount Pleasant, in the State of Iowa, praying for the repeal of the revenue tax on the capital and surplus of banks; which was referred to the Committee on Finance.

He also presented a petition of sundry business firms of Dubuque, Iowa, praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

He also presented the petition of S. A. Hewling and sundry other citizens of Webster City, Iowa, praying for the enactment of a graded service-pension bill; which was referred to the Committee on Pensions.

He also presented a petition of the Iowa State Veterinary Association, praying for the adoption of the proposed amendment to the Army reorganization bill relating to veterinarians in the Army; which was ordered to lie on the table.

He also presented petitions of the congregations of the Presbyterian Church of Mount Pleasant, the Methodist Episcopal Church of Whatcheer, and of the Woman's Christian Temperance Union of Nevada, all in the State of Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which were ordered to lie on the table.

He also presented the petitions of Richard Kapler and sundry other citizens of Cresco, H. Hendrickson and sundry other citizens of Audubon County, John Dubner and sundry other citizens of Lee County, Ole Peterson and sundry other citizens of Fredsville, George Z. Smith and sundry other citizens of Madison County, Josiah Standing and sundry other citizens of Linn County, Albert Ellgin and sundry other citizens of Worth County, William Lorgenfrey and sundry other citizens of Durant, and of E. Rodenberger and sundry other citizens of Blackhawk County, all in the State of Iowa, praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented the petitions of Federal Labor Union No. 7310, American Federation of Labor, of Walsh; of the Trades and Labor Assembly of Des Moines; of the Federation of Labor of Cedar Rapids; of the Trades and Labor Assembly of Ottumwa,

and of sundry citizens of Ottumwa, all in the State of Iowa, praying for the enactment of legislation to regulate the hours of daily work of laborers and mechanics; which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Garrison County, Mount Vernon, Jefferson, Middleton, Birmingham, and of the congregation of the First Westminster Presbyterian Church of Keokuk, all in the State of Iowa, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which were referred to the Committee on Foreign Relations.

Mr. SPOONER presented a petition of the congregation of the First Methodist Episcopal Church of Waupaca, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented the petition of J. W. Barry and sundry other citizens of Phillips, Wis., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which was referred to the Committee on Foreign Relations.

Mr. FAIRBANKS presented a petition of the Hendricks-Vance Company and 12 other business firms of Indianapolis, Ind., praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

He also presented the petition of Frederick Thum and 32 other citizens of Harrison County, Ind., and the petition of Edward Maidlow and 33 other citizens of Vanderburg County, Ind., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. THURSTON presented a petition of the faculty of the Industrial College of the University of Nebraska, Lincoln, Nebr., praying for the establishment of a bureau of weights and measures with a view to securing uniformity in standards and measuring instruments for scientific purposes; which was referred to the Committee on Manufactures.

He also presented a petition of sundry citizens of Valentine, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of the Mackey Shoe Company and sundry other business firms of Sedalia, Mo., praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

He also presented a petition of the Clearing House Association of Kansas City, Mo., praying for the repeal of the revenue tax on checks, telegrams, contracts of sales, etc.; which was referred to the Committee on Finance.

He also presented a petition of the Great Atlantic and Pacific Tea Company and sundry other wholesale and retail grocers in the United States, praying for the repeal of the duty on tea; which was referred to the Committee on Finance.

He also presented the petition of William Culman, representing the domestic wine interests of the United States, and of Henry E. G. Luyties, representing the wine importers of the United States, praying for the repeal of the stamp tax on domestic and foreign wines; which was referred to the Committee on Finance.

Mr. PENROSE presented a petition of the Commercial Exchange of Philadelphia, Pa., praying for the ratification of the so-called Hay-Pauncefote treaty; which was ordered to lie on the table.

He also presented a petition of the Hermon Christian Endeavor Society, of Frankford, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was ordered to lie on the table.

He also presented a petition of 57 citizens of Pittsburg, Pa., and a petition of 51 citizens of Wilkesbarre, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the Manufacturers' Club of Philadelphia, Pa., praying for the laying of a Government cable to the new island possessions of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the repeal of certain portions of Schedules A and B of the war-revenue law; which was referred to the Committee on Finance.

He also presented petitions of the Central Presbyterian Church of Allegheny; the Mount Washington Presbyterian Church, of Pittsburg; the General Assembly of the Presbyterian Church of Pittsburg, and of sundry citizens of Allegheny, all in the State of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors to native races in Africa; which were referred to the Committee on Foreign Relations.

Mr. FRYE presented a petition of the Central Labor Union of Biddeford and Saco, in the State of Maine, praying for the enactment of legislation to regulate the hours of daily service of